

80th GENERAL ASSEMBLY

REGULAR SESSION

MAY 23, 1978

1. PRESIDING OFFICER: (SENATOR VADALABENE)

2. The hour of ten o'clock having arrived, the Senate
3. will now come to order. The prayer will be by Reverend
4. Andrew McCoy, the True Church House of Prayer to all
5. National Youth Congress, from the City of Alton, Illinois.
6. Reverend McCoy.

7. REVEREND MCCOY:

8. (Prayer by Reverend McCoy)

9. PRESIDING OFFICER: (SENATOR VADALABENE)

10. Reading of the Journal. Senator Johns.

11. SENATOR JOHNS:

12. Thank you, Mr. President. I move that reading and approval
13. of the Journals of Wednesday, May the 17th, Thursday,
14. May the 18th and Monday, May the 22nd in the year 1978
15. be postponed pending arrival of the printed Journal.

16. PRESIDING OFFICER: (SENATOR VADALABENE)

17. You've heard the motion. All in favor signify by
18. saying Aye. Opposed Nay. The Ayes have it. Messages from the
19. House.

20. SECRETARY:

21. A Message from the House by Mr. O'Brien, Clerk.

22. Mr. President - I am directed to inform the
23. Senate that the House of Representatives has passed bills
24. with the following titles in the passage of which
25. I am instructed to ask the concurrence of the Senate, to-
26. wit:

27. House Bills 2656, 2661, 2670, 2687, 2730, 2738,
28. 2754, 2775, 2787, 2800, 2801, 2850, 2870, 3112, 3149 and 3167.

29. PRESIDING OFFICER: (SENATOR ROCK)

30. Rules Committee. 1st reading. House Bills, 1st
31. reading.

32. SECRETARY:

33. House Bill 1068, sponsored by Senator Ziomek.

1. House Bill 1803, sponsored by Senator Davidson.
2. House Bill 2084, sponsored by Senator Berman.
3. House Bill 2529, sponsored by Senator Hickey.
4. House Bill 2575, sponsored by Senator Lane.
5. House Bill 2598, sponsored by Senator Sangmeister.
6. House Bill 3375, sponsored by Senator Regner.

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Rules Committee. All right. Mr. Sergeant-at-Arms,
9. will you ring the bell, please. Senate Bills on 3rd
10. reading. 250, Senator Netsch. 252, Senator Nimrod.
11. 253, Senator Daley. 250...we're on 3rd reading. Page
12. seven on the Calendar, Gentlemen. The printer has apologized
13. for the Calendar. Apparently his computer broke down, too.
14. 262, Senator Roe. 311, Senator Joyce. 386, Senator Berman.
15. 388, Senator Berman. 430, Senator Guidice. 460, Senator
16. Clewis. 736. 771, Senator Netsch. 1083, Senator Berning.
17. 1187, Senator Bowers. On the Order of Senate Bills, 3rd
18. reading, Senate Bill 1187. Read the bill, Mr. Secretary.

19. SECRETARY:

20. Senate Bill 1187.

21. (Secretary reads title of bill)

22. 3rd reading of the bill.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Senator Bowers.

25. SENATOR BOWERS:

26. Thank you, Mr. President. Senate Bill 1187 as we have
27. amended it, now provides for the appointive power in
28. water districts to be removed from the circuit court,
29. placed in the chairmen of the county board. As you all know, in the
30. last Constitutional Convention, it was felt that the circuit
31. court should not have that power, therefore, it was in the
32. Constitution that it be removed from the circuit court.
33. The present Statute was never changed and is therefore,
34. unconstitutional. We have a water protection district in my

1. district that is unable to reappoint its trustees and is
2. sort of in limbo. That's why we wanted to get it through
3. this Session. So, we amended the bill and all it does now is
4. remove the appointive power from the circuit court and places
5. it in the chairmen of the county board and I would ask for
6. a favorable roll call.

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Is there any discussion? The question is shall Senate
9. Bill 1187...I beg your pardon. Senator Rhoads.

10. SENATOR RHOADS:

11. Question of the sponsor.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Sponsor indicates he will yield. Senator Rhoads.

14. SENATOR RHOADS:

15. Senator Bowers, as amended does Senate Bill 1187
16. now satisfy the objections of the State's Attorney of
17. DuPage County with respect to the current law?

18. PRESIDING OFFICER: (SENATOR ROCK)

19. Senator Bowers.

20. SENATOR BOWERS:

21. Yes, the genesis of the amendment was to satisfy that
22. letter.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Any further discussion? If not, the question is shall
25. Senate Bill 1187 pass. Those in favor will vote Aye. Those
26. opposed will vote Nay. The voting is open. Have all voted who
27. wish? Have all voted who wish? Take the record. On that
28. question the Ayes are 54, the Nays are none, none Voting
29. Present. Senate Bill 1187 having received a constitutional
30. majority is declared passed. 1427. 1428, Senator Demuzio.
31. 1434. On the Order of Senate Bills, 3rd reading, Senate Bill
32. 1434. Read the bill, Mr. Secretary.

33. SECRETARY:

Senate Bill 1434.

1. (Secretary reads title of bill)

2. 3rd reading of the bill.

3. PRESIDING OFFICER: (SENATOR ROCK)

4. Mr. Doorkeeper...Mr. Doorkeeper or a page. Senator
5. Demuzio.

6. SENATOR DEMUZIO:

7. Thank you...thank you, Mr. President. Senate Bill
8. 1434 will create the Governor's Office of Manpower and
9. Human Development Community Action Agencies grant. The
10. primary reason for this bill is that the Governor's Office
11. of Manpower is currently distributing General Revenue Funds
12. that the General Assembly has appropriated to community
13. action agencies throughout the State of Illinois.
14. And apparently there is no Statutory authority or guidelines
15. for the program and this bill would provide a Statutory
16. for this...for this program. It is applicable to all the
17. community action agencies throughout the State of Illinois. It will
18. become effective in 1980 and if there are any questions about
19. it, I'd be glad to respond.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Any discussion? Senator Mitchler.

22. SENATOR MITCHLER:

23. A question of the sponsor.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. Sponsor...

26. SENATOR MITCHLER:

27. Senator Demuzio, just for my information, I'm not
28. too well acquainted with this program, but how are the funds
29. dispersed now, by...by whom?

30. PRESIDING OFFICER: (SENATOR ROCK)

31. Senator Demuzio.

32. SENATOR DEMUZIO:

33. They're...they are dispersed by the Governor's Office of

1. Manpower.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. Senator Mitchler.

4. SENATOR MITCHLER:

5. Well, what...what change would it be in the way they

6. distribute them now from what they distribute them after

7. your bill would pass?

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Senator Demuzio.

10. SENATOR DEMUZIO:

11. I think the...there would be no actual changes in the

12. way that the money is administered now. It would simply

13. set up the guidelines, the audit procedures, and put into

14. the Statute those things that are usually ordinary and

15. customarily required of both State government and Federal

16. government.

17. PRESIDING OFFICER: (SENATOR ROCK)

18. Senator Mitchler.

19. SENATOR MITCHLER:

20. Well, the thing that raises a flag in my mind on this,

21. is that we're giving legislative authority to the Office

22. of Manpower and Human Development, that is to a bureaucracy

23. and give them the authority to disperse these funds in a formula

24. they set rather than retain it within the Legislature.

25. Now, am I correct that they amendment would allow the Governor's

26. Office of Manpower...Human Development to terminate grants

27. without approval of the Legislature?

28. PRESIDING OFFICER: (SENATOR ROCK)

29. Senator Demuzio.

30. SENATOR DEMUZIO:

31. No, Senator. Amendment No. 1, I believe deleted that

32. ...which you refer.

33. PRESIDING OFFICER: (SENATOR ROCK)

34. Senator Mitchler.

1. SENATOR MITCHLER:

2. Well, the only thing that I question, when we give
3. legislative authority to any of these agencies that are
4. comparatively new, this isn't a...one of the old line
5. agencies that disperse funds. They really become a
6. bureaucracy in themselves, that they have all of that
7. authority and they're going into your district and putting
8. in funds that you as a Legislature...legislator,
9. don't know where they're going or what...what's happening.
10. And I like to see the control more with the Legislature
11. which really is the people rather than give that power
12. to the people you don't even know that govern by rule and
13. regulation rather than by law.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Further discussion? Senator Glass.

16. SENATOR GLASS:

17. Well, thank you, Mr. President. I...I have a question of the
18. sponsor, if he will yield.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Indicates he will yield. Senator Glass.

21. SENATOR GLASS:

22. Senator Demuzio, I...I read the...the bill as doing something
23. different than Senator Mitchler described and I'd like your
24. comment on it. As I understand it, now there is no restriction
25. on where those funds could be allocated because it simply
26. a department of the Governor's. But according to the
27. summary, at least, your bill would establish a formula for
28. distribution of the funds, is that correct?

29. PRESIDING OFFICER: (SENATOR ROCK)

30. Senator Demuzio.

31. SENATOR DEMUZIO:

32. Yes, I...I'm not familiar whether or not the
33. department now is operating under any kind of a formula or

1. ...or whether or not they're just applying the funds in
2. an arbitrary basis as those twenty-four community action
3. agencies apply. Indeed, in the bill...would provide that the
4. distribution of funds will be determined by applying this
5. ...a State index of need based upon the county poverty
6. population as a percentage of the State's poverty population
7. weighted with the county poverty population as a percentage
8. of the total county population. This is the formula that was
9. devised by the twenty-four community action agencies throughout
10. the State of Illinois as being the fairway...and...or a fair-
11. way for the distribution of those funds.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Further discussion? Senator Regner.

14. SENATOR REGNER:

15. Question to the sponsor.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. He indicates he will yield. Senator Regner.

18. SENATOR REGNER:

19. Senator Demuzio, do you know if there are sufficient
20. funds available to meet the criteria of the formula?

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Senator Demuzio.

23. SENATOR DEMUZIO:

24. Yes, because the formula only takes into consideration
25. the amount of money that's appropriated by the General
26. Assembly for distribution to the agencies.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Senator Regner.

29. SENATOR REGNER:

30. So that if we do not appropriate the full amount,
31. there wouldn't be a problem, then meeting the formula.

32. PRESIDING OFFICER: (SENATOR ROCK)

33. Senator Demuzio.

SENATOR DEMUZIO:

1. Yes, that is correct because the formula is only
2. applicable to those monies that have been appropriated
3. by the General Assembly.
4. PRESIDING OFFICER: (SENATOR ROCK)
5. Senator Regner.
6. SENATOR REGNER:
7. Another question. Have any funds lapsed in the past?
8. PRESIDING OFFICER: (SENATOR ROCK)
9. Senator Demuzio.
10. SENATOR DEMUZIO:
11. I can't answer that question, Senator Regner, about
12. lapse.
13. PRESIDING OFFICER: (SENATOR ROCK)
14. Senator Regner.
15. SENATOR REGNER:
16. Okay, well, I'll just continue in the same line of
17. thought, then. At what point would you determine
18. under your formula that money will lapse?
19. PRESIDING OFFICER: (SENATOR ROCK)
20. Senator Demuzio.
21. SENATOR DEMUZIO:
22. Well, if a community action agency does not apply for
23. the funding like, for example, Cook County or Wabash or somebody
24. like that, then the funds simply...simply do lapse.
25. If there's not...if the Governor's Office of Manpower
26. doesn't approve a work program that has specific goals,
27. plans, priorities and a definite work program, then
28. they will not approve a specific grant. There's nothing
29. in the legislative...in this bill that says that they must
30. approve those funds that still leaves that discretion
31. within the Governor's Office of Manpower and I might add that
32. the formula that we're talking about this morning is supported
33. by that office, I am told, as well as the other twenty-four

1. community action agencies around the State.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. Senator Regner.

4. SENATOR REGNER:

5. Well, if a grant is made and all the money isn't
6. used, there would be a lapse. Now, is there any provision in
7. this proposal...would provide for the recovery of the funds
8. if there are any remaining?

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Senator Demuzio.

11. SENATOR DEMUZIO:

12. Yes, they...in the bill, it establishes the usual
13. ordinary and customary practices of grants and aids that
14. we're accustomed to both at the Federal and the State level.
15. If you'll give me a second, I'll see if I can find the section
16. that deals with lapse money, but in fact, that if it's not
17. spent by the end...by the end of the program period, it indeed
18. lapses and...and is returned to the State of Illinois as it...
19. as it is with the Federal Government programs.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Senator Regner.

22. SENATOR REGNER:

23. Well, then a double question. Is there any monitoring
24. of these monies granted or the funds appropriated and then also
25. does the Auditor General review the grant audits?

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Senator Demuzio.

28. SENATOR DEMUZIO:

29. Well, the question about audits, there is an audit
30. that is conducted at the place where the accounts of the grantee
31. are normally kept. All books, accounts, financial records,
32. reports, files and other papers or property belonging to
33. or in use by the grantee and necessary to facilitate the

1. audit shall be available to the person or persons conducting
2. the audience...audits which is indeed, a...a private auditor
3. or an auditor from the State of Illinois. I don't know whether
4. or not the Auditor General has been written into this particular
5. bill, but on...on...in the bill, it does provide for a provision
6. for an audit as well as monitoring, which is currently the
7. practice in the Governor's Office.

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Senator Regner.

10. SENATOR REGNER:

11. No further questions, just a statement on...on this
12. proposal. I think these various questions that have been
13. raised create enough of a hornets nest that we either should
14. defeat this bill or at least hold it to amend it and provide
15. for these specific applications and these specific problems
16. and questions. So, if Senator Demuzio wanted to hold it,
17. we could maybe work out the provisions for this or if he
18. wants to have a call, I'd suggest a No vote.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Further discussion? Senator Shapiro.

21. SENATOR SHAPIRO:

22. Mr. President, will the sponsor yield for a question?

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Indicates he will yield. Senator Shapiro.

25. SENATOR SHAPIRO:

26. Yeah, Senator Demuzio, I'm just a little bit confused.
27. Does this...I'd like to know, does this increase or decrease the
28. amount of funds that are...that will go to the City of Chicago
29. and the suburban area as opposed to the present formula that is
30. being used by GOMAD?

31. PRESIDING OFFICER: (SENATOR ROCK)

32. Senator Demuzio.

33. SENATOR DEMUZIO:

At...it is possible that there may be a decrease in the

1. money that goes to Chicago. It depends on the amount of money
2. that is appropriated by the General Assembly and how the formula is
3. applied.

4. PRESIDING OFFICER: (SENATOR ROCK)

5. Further discussion? Any further discussion? Senator
6. Demuzio may close the debate.

7. SENATOR DEMUZIO:

8. Well, I...I would be glad to work with Senator Regner
9. on this bill. I don't see any problems. The Governor's
10. Office of Manpower agrees with the...with the concept
11. of this bill. The amendment that was put on was put on at
12. their request. I don't see why we ought to delay and therefore,
13. I'd ask for a favorable roll call.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Question is shall Senate Bill 1434 pass. Those in
16. favor will vote Aye. Those opposed will vote Nay. The voting
17. is open. Have all voted who wish? Have all voted who wish?
18. Have all voted who wish? Take the record. On that question the
19. Ayes are 30, the Nays are 20, 4 Voting Present: Senate Bill
20. 1434 having received a constitutional majority is declared
21. passed. Senator Glass, for what purpose do you arise?

22. SENATOR GLASS:

23. To request a verification of the affirmative vote that...

24. PRESIDING OFFICER: (SENATOR ROCK)

25. Senator...Senator Glass has requested a verification. Will
26. the members please be in their seats. Will those not entitled
27. to the Floor, please vacate. Will the members please be in their
28. seats. The Secretary will read the affirmative votes.

29. SECRETARY:

30. The following voted in the affirmative: Berman, Bruce,
31. Buzbee, Carroll, Chew, Clewis, Collins, D'Arco, Daley, Demuzio,
32. Donnewald, Egan, Kenneth Hall, Hickey, Johns, Joyce,
33. Knuppel, Ziomek, Lane, Leonard, Maragos, Merlo, Netsch,

SB 386
P.P.C.
5-13-78

1. Sangmeister, Savickas, Smith, Vadalabene, Washington, Wooten,
2. Mr. President.
3. PRESIDING OFFICER: (SENATOR ROCK)
4. Senator Glass.
5. SENATOR GLASS:
6. Senator Chew on the Floor, Mr. President?
7. PRESIDING OFFICER: (SENATOR ROCK)
8. Senator Chew on the Floor? Senator Chew on the Floor?
9. Take his name from the roll. Senator...sponsor has requested
10. that further consideration be postponed. So ordered.
11. Senator Berman, for what purpose do you arise?
12. SENATOR BERMAN:
13. Thank you, Mr. President. I'd ask leave to revert to
14. the bills that were called at the beginning when I was off
15. the Floor momentarily and ask that we call on 3rd reading
16. the series of bills starting with 386.
17. PRESIDING OFFICER: (SENATOR ROCK)
18. That request is in order. Is leave granted? Leave is
19. granted. On the Order of Senate Bills, 3rd reading, Senate
20. Bill 386. Read the bill, Mr. Secretary.
21. SECRETARY:
22. Senate Bill 386.
23. (Secretary reads title of bill)
24. 3rd reading of the bill.
25. PRESIDING OFFICER: (SENATOR ROCK)
26. Senator Berman.
27. SENATOR BERMAN:
28. Thank you, Mr. President. Senate Bill 386 is the first of
29. a series of five bills which includes 388, 393, 395 and
30. 1055, whose purpose is to bring Illinois into conformity with
31. Public Law 94142...with Public Law 94142 and Section 504 of
32. the Rehabilitation Act of 1973. First, just a word of
33. background and general explanation. In 1975, Congress passed
34. Public Law 94142. This is a law which is entitled Education
35. for All Handicapped Children Act. And the purpose of that bill

1. was to require every state in the Union to provide an...a
2. free and appropriate public education to every handicapped
3. child. Regulations have been issued to pinpoint the exact
4. requirements of this mandate and in addition, Congress
5. has passed Section 504 of the Vocational Rehabilitation
6. Act. Section 504 is a civil rights entitlement provision
7. and what that means is that most if not all of the requirements
8. of the permissive Act, 94142, are, in fact, a civil
9. rights entitlement for every child in the nation, pursuant to
10. that child's civil rights. So that the point that these
11. series of bills addresses itself to is that Illinois under
12. Federal mandate, has little if any alternative but to comply
13. with the requirements of 94142 because Illinois and every
14. school district is under the same obligations that are
15. vested under civil rights entitlement and every handicapped...
16. and every handicapped child in the State of Illinois. In
17. 1976, the Illinois School Problems Commission created a subcommittee
18. which started hearings to develop these bills. And in these
19. two years, both the School Problems Commission, this General
20. Assembly, the Senate and the Senate Committee on Elementary
21. and Secondary Education have worked very, very closely
22. with all levels of the education community in order to put
23. this package of bills into a form which is not only acceptable
24. to all levels of the education committee...community, but also
25. substantially supported by all segments of the education
26. community. We have listened to and conformed to the needs
27. and desires of parents of handicapped children, the children
28. themselves, school teachers both in and out of special education,
29. administrators, both in and out of special education,
30. the school boards, and the needs and desires of the General
31. Assembly. Senate Bill 386 establishes procedures for identification,
32. evaluation and placement of handicapped children which
33. insures participation in these procedures by the children's parents

1. or guardian and the placement of each child in a program
2. which meets the individual educational needs of that child.
3. One of the most important parts of Senate Bill 386
4. in keeping with 94142, is the establishment of an IEP,
5. Individualized Education Program, whereby every child will
6. have a program suited to his particular needs as a handicapped
7. child. So that it is not...the child's education needs are
8. not handled on an ad hoc whimsical basis but rather based upon
9. a specific plan, a specific program that are...that is tailored
10. to the needs of that particular child. Senate Bill 386 further
11. establishes procedures to insure that the educational
12. programs provided by other State agencies meet standards
13. established by the State Board of Education, because under
14. 94142 the educational agency of the State is imposed
15. with the responsibility of seeing to it that an...a...a
16. free and appropriate education is, in fact, provided for every
17. handicapped child. And it further provides a process whereby
18. each agency that has in the past funded programs and supplied
19. programs for handicapped children, shall continue to provide
20. services to the eligible handicapped children. I would be glad
21. to respond to any questions regarding Senate Bill 386.

22. PRESIDING OFFICER: (SENATOR ROCK)

23. Is there any discussion? Senator Rhoads.

24. SENATOR RHOADS:

25. Question of the sponsor.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Sponsor indicates he will yield. Senator Rhoads.

28. SENATOR RHOADS:

29. Senator Berman, as you know, one of the most difficult
30. problems of compliance with Public Law 94-142 is some of the
31. open-ended costs relative to medical expenses. I'm trying
32. to make a distinction here between medical expenses and strictly
33. educational programs. Now, in this bill, the provision regarding

1. the individual educational program, what kind of demarcation
2. lines are drawn, if any, between educational and medical
3. expenses?

4. PRESIDING OFFICER: (SENATOR ROCK)

5. Senator Berman.

6. SENATOR BERMAN:

7. The bill deals in terms of educational costs and
8. educational programs. It is really left up to
9. the administration, both at the local level in the development
10. of the IEP and each of the layers above them, such as the
11. various State agency departments to determine what part is
12. an educational component and what is noneducational, strictly
13. medical. Now, we do have, and that's in a separate bill,
14. in compliance with the requirements of 94142, medical
15. services for diagnostic and evaluation purposes are in here.
16. But strictly medical treatment not related to educational
17. needs are not covered.

18. PRESIDING OFFICER: (SENATOR ROCK)

19. Senator Rhoads.

20. SENATOR RHOADS:

21. Well, what discretion does the Federal Government allow
22. the local school districts in terms of payment for medical
23. services not related to education?

24. PRESIDING OFFICER: (SENATOR ROCK)

25. Senator Berman.

26. SENATOR BERMAN:

27. I do not think there is any requirement on either the State
28. or local district in relation to 94142 to pay for noneducational
29. medical costs outside of diagnostic and evaluation.

30. PRESIDING OFFICER: (SENATOR ROCK)

31. Senator Rhoads.

32. SENATOR RHOADS:

33. Do you think that many school districts, then, are under

1. a misapprehension that they are obligated to pay for medical
2. expenses if there is a fuzzy area, let's say, if it's difficult
3. to make the distinction between medical expenses which are or
4. are not related to education. I think...the reason I ask this
5. question is that school districts in...in my district have
6. a great fear of this law because of the open-ended
7. costs involved. For example, School District 204
8. in LaGrange, had a student last year in which they had to
9. pay up...in excess of seventeen thousand dollars for one
10. student. You can see the...the fiscal problems that that could
11. raise.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Senator Berman.

14. SENATOR BERMAN:

15. I don't know the last time that you spoke to that particular
16. school district, but in...all right...but in...two weeks ago...

17. PRESIDING OFFICER: (SENATOR ROCK)

18. Senator Berman.

19. SENATOR BERMAN:

20. I would say to you this, that if they have seen
21. Senate Bill 395 that is the formulary for the cost exposure
22. for school districts. My impression is that the school
23. districts support that formula because it does put a
24. cap on their exposure, cost wise, for any of these...for any
25. of these children.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Further discussion? Gentlemen, a number of members
28. have indicated they wish to be heard. If we can have a little
29. order, we can handle this with some dispatch. Senator Shapiro.

30. SENATOR SHAPIRO:

31. Well, Mr. President and Ladies and Gentlemen of the Senate.
32. It appears as though this series of bills is here we go again.
33. We have a mandate from the Federal Government to implement

1. Statutes for the education of the handicapped, particularly
2. the mentally handicapped. I'm contending, even though we are
3. addressing ourselves to Senate Bill 386 at this particular
4. time, that the entire series of bills is not necessary.
5. HEW officials have indicated to us that most of these bills,
6. the provisions in the bills, can be held...can be implemented
7. by the rules and regulations. Their contention is that Senate
8. Bill 395 and 1055 are the only two bills in this series that
9. need legislative action. 395 deals with the cap that we have
10. on reimbursement to local school districts, that this should be
11. removed. The other one deals with the advisory committee and
12. they have no objection to this, there's no fiscal impact.
13. I submit to you that the entire series of bills is not
14. necessary. There are only two in the series that need to be
15. implemented. However this...by defeating most of the bills
16. with the exception of those two, we are not closing the door
17. on any future changes that might be necessary if the word
18. would come down from HEW. There are bills in the House that
19. can be used and can be mandated and HEW, the official, Mr.
20. Donald Blodgett, who is the...in charge of the State Plan...
21. Office here in Illinois, is willing to put his recommendations
22. into writing for the perusal of the General Assembly and the
23. Education Committee. So, I specifically urge this Body
24. that most of these bills be defeated, they are not necessary,
25. and to comply with the HEW wishes by implementing 395 and
26. 1055.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Further discussion? Senator Grotberg.

29. SENATOR GROTEBERG:

30. Will the sponsor yield?

31. PRESIDING OFFICER: (SENATOR ROCK)

32. Sponsor indicates he will yield. Senator Grotberg.

33. SENATOR GROTEBERG:

1. Senator Berman, I know enough not to debate you on
2. educational matters, but I do have some questions.
3. Our analysis as done by Dave Elder, suggests that special
4. education programs administered by a State agency
5. shall be under the general supervision of the State Board of
6. Education. Does this then mean that all special ed in Illinois
7. will be operated by the State Board, will my local special
8. ed schools be reporting only to the State Board of Education?
9. PRESIDING OFFICER: (SENATOR ROCK)

10. Senator Berman.

11. SENATOR BERMAN:

12. I'm not sure I can answer the last part of that question.
13. Let me tell you how we have structured this and...so that
14. you understand what we have done here. We have taken
15. a look at the way special education services are delivered
16. today and Illinois has a good system of delivery of special
17. education services. What we have done by this bill is to
18. comply with the mandate of 94142 that says that IOE
19. is charged with the ultimate responsibility of the delivery
20. of services in the form of guaranteeing a free appropriate
21. public education to every handicapped child. But we have
22. not taken away from any of the existing agencies that presently
23. deliver special education services, their (a) prerogatives
24. or (b) their responsibilities in the continued delivery.
25. Let me tell you what we have done in order to keep them on
26. board...well, in the local school boards, the local school
27. board makes the first determination of what services are to be
28. delivered for any individual child. If the parent is satisfied
29. with that determination, that's where it ends. There is a
30. procedure, if there is a disagreement between the parent
31. and the school board, there is a procedure for appeal
32. with not IOE being the ultimate determinator, but rather the
33. circuit court being the ultimate determinator. The procedure, and

1. if you want, I'll take you through it very quickly...all right.
2. My child goes to the Chicago Board of Education and is tested
3. and the Chicago Board says that my child's handicaps are such that
4. can be handled in a public school setting and they want to
5. send them to the school around the corner where he's
6. going to get an hour or two a day of special education
7. services and the rest of it will be in regular classes.
8. I disagree. I think that that child should go to a private
9. facility. All right. I want my child to go to XYZ school which is
10. a private operation. The school board and I disagree.
11. And we cannot work it out between us. I then file an objection and
12. a hearing officer, impartial, not appointed by IOE, I would add,
13. is...sits as a judge, the parent comes in and presents his
14. side of the case and the school board comes in and presents
15. its side of the case. The determination of that hearing
16. officer is binding on the school board. If the school...if that
17. hearing officer says Berman, Jr. goes to the XYZ school, that's
18. where he shall go. Now, the school board has the right to
19. appeal and there is a review...review of that hearing officer's
20. determination by the State Superintendent of Education.
21. If the State Superintendent reverses the hearing officer
22. and says Berman, Jr. goes back to that public school,
23. I then have another choice and I can file a...a request for trial,
24. I can bring a lawsuit in the Circuit Court of Cook County
25. for a hearing in effect, de novo start from scratch and bring
26. in both the evidence I brought in at the beginning, and
27. a dozen other psychiatrists, psychologists, medical doctors,
28. et cetera and a judge will determine whether I'm right or
29. whether that school board was right and that's what procedure
30. that is set forth in 386.

31. PRESIDING OFFICER: (SENATOR COCK)

32. Senator Grotberg.

33. SENATOR GROTBORG:

Is that then, Senator, the fiscal note for some ninety

1. or a hundred thousand dollars? Is that hearing officer money
2. that's attached to this bill? There's a fiscal note.

3. PRESIDING OFFICER: (SENATOR ROCK)

4. Senator Berman.

5. SENATOR BERMAN:

6. I think it is but I...and I'm sure the...the major part of
7. it is, but I don't know if a hundred percent is. I...that's
8. my honest answer.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Senator Berman, a fiscal note has been filed. Do
11. you care to refer to that? All right. Senator Grotberg.

12. SENATOR GROTBORG:

13. I'm finished, but at the appropriate moment, I'd
14. like a point of personal privilege, Mr. President.

15. PRESIDING OFFICER: (SENATOR ROCK)

16. Further discussion? Senator Ozinga.

17. SENATOR OZINGA:

18. Well, Senator Grotberg just about finished my...all of
19. my conversation. There's only one thing that hits me between
20. the eyes, when this parent does the appealing, now my
21. question is can somebody other than that pursue this instance?
22. Now, one of these...one of the things in this package is
23. that the ceiling will be removed, right? Okay. Now, if this
24. child is in a private institution, are we going to take the
25. word of that private institution that they are looking out for the
26. welfare and the education of the child, rather than the dollars
27. and cents involved in the school district. Now, this becomes
28. real serious because there are a lot of private schools right
29. now that have these children in there by way of a contract with
30. the local schools. Now, is there any restriction at all in this
31. bill or these bills that would mandate these children back into
32. the public schools?

33. PRESIDING OFFICER: (SENATOR ROCK)

1. Senator Berman.

2. SENATOR BERMAN:

3. There is nothing in these bills that mandates these children
4. back into the public schools. Let me explain to you the
5. procedure of monitoring that's involved both operationally and
6. fiscally. Operationally, IOE as they do now, will set standards
7. of competency in operations for the nonpublic schools.
8. Fiscally, Berman, Jr. is going to go to that private school.
9. And that private school has a price tag of ten thousand dollars.
10. Under the system that we have developed here, the Illinois
11. Office of Education, the superintendent, evaluates
12. what that ten thousand dollars is comprised of. And as presently
13. exists, that ten thousand dollars may be part of a grant
14. from DMH, might be part of a grant from DCFS, might be
15. educational funds, et cetera and we have set up an inter-
16. agency review board which mandates that the agencies that
17. presently service and fund services for handicapped children,
18. must continue to do so. So that they are locked in under this
19. bill, to continue their commitment to funding. The procedure
20. that we have set up is that the Superintendent of Education
21. submits let's say a breakdown of that ten thousand dollars, and
22. he says five thousand is going to come out of IOE budget
23. and three thousand out of DCFS and two thousand out of DMH.
24. If DMH and DCFS say no, we don't want to do that...they don't
25. want to do that, then the Governor has the ultimate responsibility
26. of saying either it will be funded by those agencies under
27. his direction or IOE can bring a suit to determine who is to
28. pick it up. Now, the reason for this process and it's very
29. crucial, one of the things that, (a) I cannot allow in good
30. conscience to be determined by what Senator Shapiro
31. talked about interagency agreements, the entire community of
32. handicapped children are worried that these kids are going to fall
33. through the bureaucratic cracks because one agency is going to
walk away, they don't want to pick up the tab, another agency

1. is going to walk away, they don't want to pick up the tab.
2. This bill sets up a procedure where the bureaucrats must
3. take care of that child because we put them in an adversary
4. position between themselves, not with the kid. So, if I...if
5. DMH doesn't pick up the tab, IOE will. And this is where this
6. bill does a service that interagency agreements by themselves,
7. I am afraid, will not be able to address.

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Senator Ozinga.

10. SENATOR OZINGA:

11. Mr...Senator Berman, you know, I know, there are two
12. types of children. One residential, one day care.
13. Now these residential kids that are in there,
14. are entitled to an education regardless of where they're
15. from, what school district. Now, my thinking, my question that
16. has arisen in my district is okay, we've got a half a dozen
17. residential kids in a private institution and they have
18. even gone so far as to set a figure by some of these private
19. institutions as forty-seven hundred bucks. Okay, the ceiling
20. right now as we all know, is twenty-five hundred dollars being
21. charged to the local public school for that kid in
22. this class. Now, there is an intent to remove that ceiling
23. regardless of whether it's forty-seven hundred, ten thousand
24. dollars, which you spoke which is a little different and a little
25. bit excessive, I think. But the fear of the public schools
26. are look, regardless of what we say, do or think we are going
27. to get charged at the mercy of a private school which is wrong.
28. Now, my question to you when these funds are mandated and
29. agreed upon, are they mandated against that public school and
30. are they, shall I say, indirectly mandated to say no, we can't
31. afford to have that taken out of our budget and is there any way
32. that these funds would be replaced so that it really isn't out
33. of the local taxpayers pocket?

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Senator Berman.

3. SENATOR BERMAN:

4. That's exactly what we, I think, have accomplished in
5. 395 and that's the money bill, that's the formula.
6. There is a cap on the exposure, financial exposure of
7. that local school board. That cap at...is as follows.
8. The first forty-five hundred dollars of expenditure, let's
9. talk about private placement, or day care, it makes no difference,
10. but let's talk about a private placement, the first forty-
11. five hundred the school district contributes its per capita
12. cost which might be eighteen hundred dollars, or two
13. thousand or twenty-two hundred dollars towards that first
14. forty-five hundred dollars. The State must pick up the
15. balance for everything over the forty-five hundred dollars.
16. The school district it obligated only...only for an additional
17. per capita and the State must pick up everything over. If
18. you've got a...if you've got a placement of a severely
19. handicapped child in a residential facility and the cost of that
20. child's education is forty-five thousand dollars, the cost
21. to the school district is...and its per capita, let's say, is
22. eighteen hundred dollars, the cost to that school district
23. cannot be more than thirty-six hundred dollars.
24. The State picks up the balance. Now, we've worked on this
25. substantially, 'cause that's the problem that the school districts
26. are concerned about. Now, that's a rare...rare situation that
27. I've given you. We've tried to peg it for the most part to averages
28. and I can tell you this, that the Illinois Association of
29. School Boards, EDRED, supports the formula which is now in
30. 395 and that's this double per capita...single per capita
31. up to forty-five hundred, a second per capita for anything above
32. that, the State picks up the balance.

33. PRESIDING OFFICER: (SENATOR ROCK)

1. Further discussion? Senator Buzbee.

2. SENATOR BUZBEE:

3. A few questions of the sponsor, Mr. President.

4. PRESIDING OFFICER: (SENATOR ROCK)

5. Sponsor indicates he will yield. Senator Buzbee.

6. SENATOR BUZBEE:

7. Number one, Senator Berman, it's my understanding that

8. if a child's parents and the IEP it's decided that they want

9. to place the child in a private facility, that regardless of the

10. cost of that placement of that child in that facility, that the

11. State of Illinois will pick up the balance of the cost over

12. the, I think, the thirty-six hundred dollars that you indicated

13. to be the local district cost. Is that correct?

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Senator Berman.

16. SENATOR BERMAN:

17. Well, subject to the review of those rates by IOE

18. and the Rate Review Board, the answer is yes.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Senator Buzbee.

21. SENATOR BUZBEE:

22. The fact is that that cost could get up to be twelve to

23. fifteen thousand dollars and perhaps even higher if...if the

24. Rate Review Board goes along with it, is that true?

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Senator Berman.

27. SENATOR BERMAN:

28. In a hypothetical...yes.

29. PRESIDING OFFICER: (SENATOR ROCK)

30. Senator Buzbee.

31. SENATOR BUZBEE:

32. My...my next question then in going along with that same

33. thing is...is that includes, that cost will include all living,

1. medical and just every cost involved with raising
2. a child in addition to the special costs that are involved
3. in dealing with a child that meets the definition of special
4. education required, is that correct?

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Senator Berman.

7. SENATOR BERMAN:

8. Yes.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Senator Buzbee.

11. SENATOR BUZBEE:

12. Well, my question is on this...on this item, why should
13. we, the public taxpayers, say to the parents of a child
14. and let's say those parents are wealthy because several
15. of them would fit into that category, why should we pick
16. up every penny of the living cost, every penny of the cost of
17. raising that child? We're always talking about Public Aid recipients,
18. that we want them to pay part of their own costs, so why
19. should we have the Public Aid for the wealthy in this situation
20. of picking up every last red dime of what it costs to raise
21. a child? Those children of ours who do not fit the definition of
22. needing special education, we all have to pay for a certain
23. amount of food, shelter and clothing. Why should the child who does
24. not fit the...rather who does fit the definition of needing
25. special education, why should we have to pay every dime
26. of the cost of raising that child?

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Senator Berman.

29. SENATOR BERMAN:

30. Senator Buzbee, I can...I'll give you one answer and that
31. is because it has been determined by the Congress of the United
32. States that that child is entitled under his civil rights
33. to having all of those expenses paid for out of public funds.

1. Number two, that is...and that, under Section 504, is not
2. avoidable by us, either as a legislative body or by public
3. policy that we wish to determine for the State of Illinois.
4. Secondly, 94142 is also a reestablishment of the right of that
5. child to have all of his expenses that you've enumerated..
6. paid for out of public money. I can only indicate to you
7. this, that I am sure that some of the, I believe it was
8. sixteen members of the Congress of the United States who opposed
9. the passage of 94142, raised that question. But four
10. hundred and twenty some odd...other members of Congress saw
11. fit to recognize that this is their civil rights entitlement and
12. we are bound by that.

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Senator Buzbee.

15. SENATOR BUZBEE:

16. Well, there's the old adage that two wrongs don't make a
17. right and Congress has been wrong many, many times and
18. I suspect they will continue to be wrong many times in the
19. future. Of course, what is happening here is that under
20. 94142 and Section 504 of the Civil Rights Act, they are holding
21. the...the ax over our heads saying if you don't do this,
22. if you don't do what we tell you to do, we're going to cut off all
23. your Federal funds. But, now this leads me right into my
24. next question and that is, is it not true that the bureaucrat from
25. HEW who came here at taxpayer expense to tell us why we ought to
26. pass this bill, is it not true that he said that only about ten
27. to fifteen percent of the total cost of this program was ultimately
28. going to be picked up by the Feds and the balance would be...would
29. be on us?

30. PRESIDING OFFICER: (SENATOR ROCK)

31. Senator Berman.

32. SENATOR BERMAN:

33. I don't recall his percentages, but I am not going to say that

1. the Federal Government is picking up a fair share or a heavy
2. share or a great share. The Federal Government has not
3. put their money where their mouth is, but that doesn't
4. change our dilemma regarding responding to the civil rights of
5. handicapped children.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Senator Buzbee.

8. SENATOR BUZBEE:

9. On to another topic. I...the...Senate Bill 386 as it's presently
10. written under...specifies that related services are included
11. in the services which must be provided handicapped children
12. by IOE and other State agencies. What kind of related services
13. are we talking about? Is that the thing that I'm just...I was
14. just addressing, the living costs and...or are there other related
15. services that we also must pick up?

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Senator Berman.

18. SENATOR BERMAN:

19. Let me read to you from 94142. "The term related services
20. means transportation and such developmental, corrective and
21. other supportive services including speech pathology and
22. audiology, psychological services, physical and occupational
23. therapy, recreation and medical and counseling services as
24. may be required to assist a handicapped child to benefit from
25. special education and includes the early identification and
26. assessment of handicapping conditions in children."

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Senator Buzbee.

29. SENATOR BERMAN:

30. May I, Mr. President...

31. PRESIDING OFFICER: (SENATOR ROCK)

32. Oh, Senator Berman.

33. SENATOR BERMAN:

34. May I also point out that at the present time under Illinois
35. law, Section 14-1.08 of the School Code says that special

educational facilities includes special schools, special classes,
1. special housing, special instruction, special reader services,
2. Braillists, typists for visually handicapped children,
3. transportation, maintenance, instructional material,
4. therapy, professional consultant services, social worker services,
5. special administrative services, salaries of all required
6. special personnel and other special education services
7. including special equipment for use in the classroom
8. required by the child because of his disability if such
9. services or special equipment are approved by the State Board.
10. In other words, we already have, if not all, almost all of
11. the same requirements for...for related services in our School
12. Code as does 94142.

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Senator Buzbee.

15. SENATOR BUZBEE:

16. I will try to summarize the last two or three questions
17. because I do have a short statement I want to make then after
18. ...after asking these questions. It...it also states in the bill
19. that participation in...pardon me, that no otherwise qualified
20. handicapped child receiving special education services
21. shall be excluded from "participation in or be denied the
22. benefits or to...or be subjected to discrimination under
23. any program or activity provided by a State agency." I don't
24. know really what that means, number one, I'd like for you to
25. explain that, but the second one that I've got here is
26. in the appeals process, the final ultimate appeal authority is
27. the Governor of this State, not the Governor's designee
28. or anybody else, but the Governor. That means that if we get some
29. irate parents who are upset about the child's IEP, that we could
30. end up with three or four hundred of these cases ending up on
31. the Governor's desk and the Governor is going to have to get personally
32. involved in each of these children's cases. Now, it seems to
33. me that given the minute salary which our Governor makes and

1. I say that in all seriousness, by the way, given the minute
2. salary that our Governor makes, that he has plenty to do without
3. having to get involved as in the final appeals process of
4. every case that comes up that...that...that goes through the
5. process and gets to his desk. I...I would also like to know
6. what it means when it says that special education and related
7. services included in the child's IEP which are not provided
8. by another State agency must be provided by the State Board
9. of Education and the local school district, does that mean
10. that the local school district can be told that if...if
11. there is not service for a blind deaf child, as an example
12. and your local school district where you have two hundred
13. children and a tax base of ten million dollars, that you will
14. install such a service as that, that you will provide a complete
15. expensive services for a...a deaf blind child? And my last question
16. is, well, I'll...I will stop with that question...those three
17. questions and then, Mr. President, I'd like to have...

18. PRESIDING OFFICER: (SENATOR ROCK)

19. Your...your time has expired.

20. SENATOR BUZBEE:

21. ...a concluding...I would like to have a short concluding statement
22. after Senator Berman's response.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Why don't you conclude right now. Your time has expired.

25. Senator Berman, I'm sure, can...

26. SENATOR BUZBEE:

27. Fair...fair...

28. PRESIDING OFFICER: (SENATOR ROCK)

29. ...answer upon rebuttal.

30. SENATOR BUZBEE:

31. Very well. As was pointed out earlier, this is a program
32. that ultimately or rather...started out being forced upon us by
33. the Congress. I think Senator Berman's approach has gone
34. much beyond what the Congress had...had intended. I, for one,

1. refuse to be intimidated by the Federal Government and I will
2. continue to take that stance. They tell us what we will do, then
3. they don't give us the money to do it with. The impact...
4. the fiscal impact of this legislation in the next fiscal year,
5. and by the way, this is effective immediately sort of
6. legislation, I understand, so there's nothing in this year's
7. budget...all of you folks over there on the other side of the
8. aisle that are so worried about the Governor's budget,
9. there's nothing in this year's budget to implement this program.
10. But the fiscal impact on the State of Illinois is going to be
11. fifty million dollars at least when the full
12. implementation comes down the pike. We probably have parents
13. right now who are lining up their children to get into the
14. special educational facilities this fall...the...the private
15. facilities I'm talking about, which is going to cost us, the
16. taxpayers, twelve, fifteen, twenty thousand dollars a year
17. for their total complete upkeep and I...I guess we're just
18. going to get eventually to the total socialistic state
19. of we just provide everything for everybody. I think this is
20. bad legislation. I will not be intimidated by the Federal
21. Government. I will not be told that you, the State of Illinois,
22. must implement and...and therefore; we're supposed to fall
23. down...our knees and say oh, yes, master, we will certainly do
24. what you want us to. I think it's a bad piece of legislation.
25. I think it ought to be defeated.

26.
27.
28. End of reel
29.
30.
31.
32.
33.

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Senator Grotberg, for what purpose do you arise?

3. SENATOR GROTBORG:

4. A point of personal privilege, Mr. President.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. State your point, Sir. We have a number of other members
7. who wish to speak on this bill.

8. SENATOR GROTBORG:

9. Thank you very much. It is timely, however, because in the...
10. President's Gallery we have the students of Elgin Academy sixth to
11. eighth grade middle school and they are in Senator Graham's district
12. but we furnish a lot of the kids out of my district and I'd like
13. them, their teachers, Beth Beckman and Murrele Wood to rise and be
14. recognized by the Senate.

15. PRESIDING OFFICER: (SENATOR ROCK)

16. Will our guests in the Gallery please rise and be recognized.
17. All right, the Chair...the Chair would ask that the members attempt,
18. at least, to be a heck of a lot briefer than was Senator Buzbee.
19. Senator Nimrod.

20. SENATOR NIMROD:

21. Yes, Mr. President and Ladies and Gentlemen of the Senate.
22. Senator Berman, I had several questions that I...I think a number
23. of them have been answered and I would just like to state a few of
24. my objections to what I think is rushing into a program that we have
25. found in the past that has caused us innumerable problems when we
26. have not had a chance to discuss them and be concerned about this
27. various programs that are mandated to us or requested by the
28. Federal Government. 94142 is not new. We have been dealing with
29. this subject for a year or two in the Mental Health area and my
30. work there on the commission and I find that what we have done is
31. that the present situation of involving parents who have been
32. forced to make these decisions on their own and provide facilities
33. in many cases and training that has evolved to this particular day.

1. I'm concerned about their particular children when the government
2. or the State or the Federal Government was not in any way supportive
3. of their efforts. Now we have come to the point and say that the
4. parent is not longer going to be involved and in fact if the
5. parent decides what he wants best for his child and he wants to
6. use that money which they're entitled to, that in fact, the child's
7. authority and jurisdiction can be taken away from him. I'm not
8. sure that this was the original intent of the 94142 when it was
9. passed. I know that there are some other problems...and some
10. concerns that I have and that is that we find that HEW makes the
11. rules and regulations and we've got the bureaucracy involved there.
12. I note in your particular package that we now give authority to the
13. Superintendent of Instruction and the State Board of Education to
14. develop rules and regulations without having any legislative input
15. over the care and the decision making process. That, in fact, the
16. Governor can be taken to court because one of his agencies or
17. someone in that particular area will make any appropriation or make
18. a provision that is a decision of the Superintendent of Instruction.
19. I think what we're doing is...creating a...a super agency or a
20. super individual that we find it's going to really bypass many of our
21. provisions. I remember 234 and 235 when we talked about Unemployment
22. Compensation and unemployment insurance and we were told there were
23. only six or seven provisions that conform with the report and we
24. well know that there were one hundred and twenty-one changes that
25. were made and I know that there must be hundreds of changes that are
26. incorporated within the provisions of this bill and I think that this
27. package and I would think that what we ought need to do is to do only
28. minimal that which is necessary and get some input from the parents
29. and get some input from the other agencies that have been involved
30. in this area and make sure that we...make sure that we do provide
31. the special education since we are certainly one State that has
32. provided and spent a great deal of money and time and effort in this
33. field. I would hope that we would not jump into some legislation

1. that binds us in the wrong direction. I don't think we've answered
2. the problems of the parents and I don't think we've really solved
3. the concerns of those individuals who are presently receiving
4. treatment and I do not believe that this bill is going to help
5. them in any way except to take away that authority and give it to
6. a super agency. I think we ought to go slow and know what we're
7. getting into and have some analysis in this area and I would think
8. that we ought to pass those bills which are required which Senator
9. Shapiro referred to and hold the rest of this package to give us
10. a chance to discuss it like we did the Mental Health package where
11. we've taken two or three years to discuss that issue. Thank you.

12. PRESIDING OFFICER:(SENATOR ROCK)

13. Further discussion? Senator Glass.

14. SENATOR GLASS:

15. Thank you, Mr. President and Ladies and Gentlemen. Stripped
16. of the emotional concerns about complying with 94142 this particular
17. bill does two important things and I'd like to ask Senator Berman
18. a couple of questions about them if he will yield.

19. PRESIDING OFFICER:(SENATOR ROCK)

20. The sponsor indicates he will yield. Senator Glass.

21. SENATOR GLASS:

22. Senator Berman, the two areas I'd like to ask about, one is
23. the due process procedure whereby a parent of a handicapped child
24. may appeal the decision of a local board regarding placement of a
25. child in a private school or denial of that placement. What is
26. the situation under the present...

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Senator Glass.

29. SENATOR GLASS:

30. What is the situation under the present rules and regulations
31. of IOE? In other words let's suppose this bill is defeated. IOE
32. does have regulations now, does it not and how would this...the
33. procedure differ under present law from under...under this bill?

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Senator Berman.

3. SENATOR BERMAN:

4. Senator Nimrod, I hope you'll pay attention to the question
5. and the answer because this delayed...refers one of the questions
6. that you raised. At the present time there is a procedure for a
7. hearing officer to determine where that placement of that child
8. shall be. That hearing officer is appointed by the Illinois Office
9. of Education. Under Senate Bill 386 the hearing officer is not
10. appointed by the Illinois Office of Education. He is selected
11. through...a procedure involving groups such as the...American
12. Arbitration Association so that one of the greatest objections
13. from the private sector has been, I believe, importantly addressed
14. and that is that your impartial hearing officer is, in fact,
15. impartial that he is not a designee or employee of the Illinois
16. Office of Education. On top of it you have greater participation
17. by the parent and child in the...procedures involved in Senate Bill
18. 386 than you do under our Article XIV.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Senator Glass.

21. SENATOR GLASS:

22. With regard only to the hearing officer portion of the bill
23. that you've just been describing how much additional cost does the
24. bill add to the present procedure?

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Senator Berman.

27. SENATOR BERMAN:

28. That depends upon the number of hearings. One of the things
29. that I think will be...will be changed...right now the hearing
30. officers recommendation is not binding on the school board. Under
31. my...under Senate Bill 386 the hearing officers determination will
32. be binding on the school board. Hopefully that will mean that they
33. will have to strike a...an accommodation or there will be a final

1. determination. This will save a lot of harassment and a lot of
2. costs to the parent because if he's got a case he knows that it
3. will be resolved by an independent, impartial hearing officer at
4. the first level. He doesn't have to keep fighting the school
5. board as far as additional costs that is...that will determine...
6. depend upon how many hearings must go to trial and what happens
7. to the appeals after the trial.

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Senator Glass to conclude.

10. SENATOR GLASS:

11. Well, I...I assume then that just by virtue of the change
12. procedure you're not talking about a lot of increased costs. A
13. final question and then I will conclude. I...I do plan to support
14. the bill but I think they're...these are points that ought to
15. be clarified. The second point has to do with the allocation
16. of...of costs among the various departments of State Government.
17. I don't think that's been explained and I think it would be helpful
18. to have you explain that to the membership because I think that's
19. the part of the bill that may well have some appeal to the local
20. districts and I...I think it's some point that hasn't been grasped.

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Senator Berman.

23. SENATOR BERMAN:

24. In response to that let me take you through this a little bit.
25. We have set up an interagency review board but we've also set up a
26. procedure for the payment of the costs of that child's education.
27. Senator Buzbee, if you'll follow with me I know you're interested
28. in this...portion of it. If the child's IEP requires the provision
29. of services then the supplying of those services or the supplying
30. of dollars for in-house services is going to be determined by the
31. formula that's in 395 and will be allocated between two separate
32. autonomous entities at the State level. Again we've put a cap on
33. the exposure...financial exposure of the local district and everything

1. above the cap has to be picked up by the State. And what we have done
2. and I think that this has been one of the great problems in...other
3. states and I think we have solved it...I think in a very responsible
4. way. A way that eliminates the necessity of the child or parent
5. fighting the bureaucracy and mandates that the bureaucracies serve
6. the child and that's done as follows: If the costs of the education
7. of that child is forty-five hundred dollars and the per capita is
8. eighteen hundred and it's a private placement of day care placement
9. that twenty-seven hundred dollars difference between the forty-five
10. hundred and the eighteen hundred has to be paid for by the State.
11. We have set up a procedure where the superintendent or the State
12. Board of Education submits to an interagency board how that twenty-
13. seven hundred dollars is to be paid. Part of it might be from IOE.
14. Part of it might be from DMH. Part of it might be from DCFS, et cetera.
15. But whatever the allocation it's got to total that twenty-eight
16. hundred dollars. Let us say that IOE determines that only five
17. hundred dollars of the twenty-eight hundred is educational costs
18. and the other twenty-three hundred has to be picked up by DMH. We
19. have in this State only two autonomous executive departments that
20. deal with handicapped children. Either the State Board of Education
21. or the Governor. Now we're not talking about people under the
22. Governor we're talking about the ultimate authority and the ultimate
23. responsibility. It's either the State Board of Education which
24. under our Constitution is autonomous or the Governor and what we
25. have done is that the Superintendent of Education submits to this
26. interagency board a request that the twenty-three hundred dollars be paid
27. out of DMHDD. If the director of DMHDD says we don't want to pay
28. for it then there is a time frame in which that determination must
29. be made and because the Governor is the ultimate authority over
30. that director. If the director of DMHDD doesn't want to pay this
31. money it lands on the Governor's desk and the Governor either says
32. to DMHDD you pay for it or you will not have to pay for it. If he
33. doesn't want to pay for it, if DMHDD stands firm and the Governor agrees

1. with them and it's not going to be...pay for it it falls back
2. on to IOE and IOE either funds it or appeals the decision of the
3. Governor. Now the essence of this and I think the beauty of it
4. is that it locks in the administrative agencies to continue to
5. serve handicapped children and doesn't lock out any child as a
6. result of a jungle of complications in dealing with all of the
7. lettered agencies,IOE,DMH, DPA, DCFS, et cetera.

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Senator Bowers. Senator Harber Hall.

10. SENATOR HARBER HALL:

11. Mr. President, I'm going to give three quick reasons why
12. I'm going to vote against this bill. First of all, I would point
13. out this is a new comprehensive and delegate program and this is a
14. Session of the General Assembly not specifically to include new
15. programs. Secondly, these...this bill is not necessary. I'm
16. reading from a memorandum from Robert Mandeville, the Bureau of
17. the Budget where he states this and it's dated yesterday. It was
18. just received today and so he conclusively shows me that this bill
19. is not necessary at this time. The third reason is,Ladies and
20. Gentlemen of the Senate, the last sentence I'm reading from now
21. refers to the matter of whether the...this bill or these in...and
22. other ones in the group are necessary here or not. And the last
23. sentence is IOE's staff will agree with this conclusion privately
24. but not publicly. I find that sentence very offensive. We apparently
25. are considered the public by the Office of Education staff. We are
26. not to know their feelings regarding this subject of whether these...
27. important bills, I might add, are necessary or not but when faced
28. with the facts as presented by the Director of the Bureau of the
29. Budget they have to admit that he is right and so I would say to
30. you that nothing would be more articulate and specific in it's
31. indication to the Office of Education that these bills were defeated
32. particularly the ones that we know are not really necessary.

33. PRESIDING OFFICER: (SENATOR ROCK)

1. Is there any further discussion? Senator Berning.

2. SENATOR BERNING:

3. Yes, thank you, Mr. President. I have a question of the

4. sponsor.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. The sponsor indicates he will yield. Senator Berning.

7. SENATOR BERNING:

8. In spite of the extensive debate and questions and answers

9. I do not yet understand the difference, if any, between the

10. requirements for education and custodial care and this is one

11. of the things that has been voiced in my district as of great

12. concern. In other words what is the situation involving those

13. children who are residents of special education private not-for-

14. profit schools? Can they then be so-called dumped onto the

15. regular school?

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Senator Berman.

18. SENATOR BERMAN:

19. No.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Further discussion? Senator Berning.

22. SENATOR BERNING:

23. Well, that's encouraging, but that was not what I was given

24. to understand. Suffice to say that here again is an example of

25. Congress acting in a degree of stupidity and mandating something

26. for us that we are almost helpless to protect ourselves from and

27. at the same time all of us recognize that we are having difficulty

28. in funding normal education. Our gifted children program suffers

29. and it seems to me that rather than being stampeded by what we think

30. is a mandate from Congress we should resist and move more slowly

31. and take care of our other obligations first. The handicapped children

32. in Illinois, to the best of my understanding, are not being short-

33. changed so to speak.

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Any further discussion? Senator Hickey.

3. SENATOR HICKEY:

4. Thank you, Mr. President. We've talked about a lot of aspects
5. of the whole package in the discussion on 386 and I...I think that
6. we must remember that this really only does two things and that is
7. it does mandate an individualized educational plan for each
8. handicapped child so that they aren't simply thrown into a group
9. and maybe given only custodial care in some cases but actually
10. have their problems...and needs in education individually addressed
11. and secondly, it sets up an appeals procedure. There I can see
12. some problems with the procedure but I can't think of a better one
13. and I do think that it's very important that there be an appeals
14. procedure. So I think we need to go back to the fact that if this
15. particular bill does just two things which are totally defensible.
16. That is, establish an IEP for each child and set up an appeals
17. procedure and I would urge both sides of the aisle to give this a
18. Yes vote.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Any further discussion? Senator Bruce.

21. SENATOR BRUCE:

22. A question to the sponsor, Mr. President.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. The sponsor indicates he will yield. Senator Bruce.

25. SENATOR BRUCE:

26. In discussions when you mentioned Senator Buzbee and from what
27. Senator Hickey...you have all the advantages of having all of the
28. committee hearings. As I understand it there's a cost set aside
29. and we go through the whole appeal process and the Governor's
30. involved and four agencies, IOE, DMH, DCFS, DPA are all considering
31. this individualized educational program and we've made much of the
32. fact of the appeal...process. My question is having gone through
33. all of that through all the agencies, IEP, the appeal procedure, the

1. Governor being involved and everything else is who pays the cost
2. in the event that the child needs care that this local school
3. district cannot provide or who picks up the ultimate tab for this?
4. PRESIDING OFFICER: (SENATOR ROCK)

5. Senator Berman.

6. SENATOR BERMAN:

7. Over and above the per capita requirement of the formula,
8. that's in 395, the State picks up the tab. Now in addition under
9. 94142 there is Federal monies that...that are coming in...in FY '79
10. that figure should be about thirty-five million dollars according to
11. the authorizations in 94142. That...that will be divided...that
12. twenty-five percent to the State and seventy-five percent to local
13. school districts.

14. PRESIDING OFFICER:(SENATOR ROCK)

15. Senator Bruce.

16. SENATOR BRUCE:

17. I would just say that I'm going to vote against this not
18. because I believe that handicapped children are not deserving of
19. care but because my daughter last year went to school with fifty-
20. one other children in kindergarten with a teacher that taught a
21. fifty-two in the afternoon session and we are going to expect my
22. daughter and all the other fifty-one children in that class to become
23. working members of our society being able to read, write and
24. communicate and work and it seem to me our major care should be for
25. those and as long as we have school districts and school class-
26. rooms with fifty-two children in them, it's not that we, I think,
27. cannot care for the handicapped the difficulty is that the money
28. is eventually State dollars and you take it out of those classrooms
29. where normal functions of education are...are done and it just
30. doesn't seem that I can support this unless we can find the Federal
31. Government is going to pay for the program.

32. PRESIDING OFFICER: (SENATOR ROCK)

33. Any further discussion? Senator Berman may close the debate.

1. SENATOR BERMAN:

2. Let me respond to the last comment first. Ladies and
3. Gentlemen, on October 2nd of 1978 every handicapped child in
4. the State of Illinois is going to be entitled to every benefit
5. under Section 504 of the Civil Rights of the Vocational Rehabilitation
6. Act which is a Civil Rights entitlement. If the provisions and
7. services that are provided in this package of bills are not
8. legislated then a Federal judge will mandate your local school
9. district to provide those funds. I want to point out to those
10. Senators who said about rushing into a program if there has...
11. been anything that we have not done in this package it is to rush
12. in. We started looking at these problems in 1976. We've held
13. hearings after hearings. The bills were introduced in February
14. of '77. We held Senate committee...Elementary and Secondary
15. Education Committee hearings on them. They went to the Floor.
16. We recommitted the bills last Spring of '77 because the Federal
17. Rules and Regulations hadn't yet been issued. We held more hearings
18. both in the School Problems Commission and again this Spring in '78
19. in...in the Senate Education Committee. We have worked these bills
20. in concordance with the opinions and needs and desires of handicapped
21. children, of parents, of teachers, of administrators. I have a
22. three page list...a three page list of individuals and organizations
23. that support compliance with 94142. Time didn't allow me to duplicate
24. them and distribute them, but let me point out to you, that in those
25. two years I have not heard one constructive request or suggestion
26. from the Office of the Governor. The Governor has publicly stated
27. that he supports compliance with 94142. His office has seen these
28. bills, have seen these amendments. I have not even seen the memo
29. from Doctor Mandeville that Doctor Shapiro and Senator Hall have
30. referred to. Now I think as a courtesy I should have been able
31. to see that memorandum. We have worked with Jean Williams for two
32. years from the Illinois Bureau of the Budget. She thoroughly
33. understands these bills. I am not saying that she is in support of

1. every one of them, but she understands them and I think that she...
2. well I won't...I won't say what I think that she would say. I will
3. say this. As far as the fiscal impact, we are either going to be
4. able to receive Federal money by complying or we're going to
5. jeopardize not only the money we would get under 94142 but all the
6. other Federal funds that flow into this State. Now we can stand
7. up and say we will not be intimidated and I think that if we look
8. at past action we changed the fifty-five mile per hour speed limit
9. only because of money and if we changed that should we be any less
10. responsible to recognize the Civil Rights and educational needs of
11. handicapped children because of money. I don't think that we
12. would be doing ourselves any honor to cowtowing the Federal
13. Government when we're...only talking about a speed limit and throwing
14. ourselves as great champions of State's rights when it comes to the
15. needs and Civil Rights entitlements of handicapped children. There
16. is money for this. The Governor has known of the...prospective
17. costs of this long before his budget was prepared. The thirty-
18. five million dollars that will come into this State will substantially
19. cover the costs of next Fiscal Year's implementation of this bill.
20. I suggest to you that based upon the support from the people that
21. must work with this bill and I'm talking about the whole educational
22. ...special education lobbying effort. I'm talking about the teachers
23. unions. I'm talking about the Illinois Association of School Boards
24. and school administrators and administrators of special education.
25. I'm talking about the people that support this package. We either
26. deliver for these handicapped children or we walk away from them.
27. I'm not willing to walk away from them. Senate Bill 386 does what
28. many of you have talked about. We are not leaving up to chance of
29. the bureaucrats the delivery of service for handicapped children.
30. We're spelling out in here the guarantees that every child is
31. entitled to. There is no cracks to fall through under 386. That
32. child is protected and for that protection I urge an Aye vote on
33. Senate Bill 386.

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Question is, shall Senate Bill 386 pass. Those in favor
3. will vote Aye. Those opposed will vote Nay. The voting is open.
4. Have all voted who wish? Have all voted who wish? Have all voted
5. who wish? Take the record. The sponsor has requested that further
6. consideration be postponed. So ordered. You wish to proceed on
7. the rest of the series? All right. Senator Hynes, for what purpose
8. do you arise?

9. SENATOR HYNES:

10. For the purpose of an announcement, Mr. President. It is our
11. intention to work until approximately twelve-thirty and break for
12. lunch until two o'clock and then return to work until about five
13. o'clock this evening.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. I...I hear no objections, Senator Hynes, so we will proceed.
16. All right. How about...page 8 on the Calendar. Senator Vadalabene,
17. on 1465. Are you ready? On the Order of Senate Bills, 3rd reading.
18. Senate Bill 1465. Read the bill, Mr. Secretary.

19. SECRETARY:

20. Senate Bill 1465.

21. (Secretary reads title of bill)

22. 3rd reading of the bill.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Senator Vadalabene.

25. SENATOR VADALABENE:

26. Yes, thank you, Mr. President and members of the Senate. Senate
27. Bill 1465 is a five thousand dollar supplemental appropriation to
28. the Municipal Problems Commission to survey and study the cities,
29. villages and incorporated towns. Senate Bill 1465 appropriates an
30. additional five thousand dollars for expenses relating to moving the
31. commission's office from the State Office Building to Lincoln Towers.
32. The relocation was made pursuant to a request by the Space Needs
33. Commission. Twenty-one hundred dollars of the additional funds will

1. be used to purchase furniture and the remaining twenty-nine hundred
2. will be used for rent. An amendment was...was in order in this bill
3. which...which specified the Fiscal Years...the funds would be
4. requested and I would appreciate a favorable vote.

5. PRESIDING OFFICER:(SENATOR ROCK)

6. Is there any discussion? If not, the question is, shall...
7. Senate Bill 1465 pass. Those in favor will vote Aye. Those opposed
8. will vote Nay. The voting is open. Have all voted who wish? Have
9. all voted who wish? Take the record. On that question, the Ayes
10. are 47, the Nays are None, 3 Voting Present. Senate Bill 1465 having
11. received the required constitutional majority is declared passed.
12. Senate Bill 1470. Senator Grotberg. Read the bill.

13. SECRETARY:

14. Senate Bill 1470.

15. (Secretary reads title of bill)

16. 3rd reading of the bill.

17. PRESIDING OFFICER:(SENATOR ROCK)

18. Senator Grotberg.

19. SENATOR GROTBURG:

20. This is the annual appropriation for the ordinary and contingent
21. expenses. The Commission on Children...the bill is as it was
22. introduced one hundred and sixty-seven thousand dollars which is
23. about four percent over last year's budget of one hundred and sixty
24. thousand dollars. I'd ask for a favorable roll call.

25. PRESIDING OFFICER:(SENATOR ROCK)

26. Is there any discussion? If not, the question is, shall Senate
27. Bill 1470 pass. Those in favor will vote Aye. Those opposed will
28. vote Nay. The voting is open. Have all voted who wish? Have all
29. voted who wish? Take the record. On that question, the Ayes are
30. 48, the Nays are None. None Voting Present. Senate Bill 1470
31. having received the required constitutional majority is declared
32. passed. Senate...Senator Maragos will be recorded as voting Aye.
33. Senate Bill 1506. Senator Vadalabene. Read the bill.

SB 1506
3rd
5/23

1. SECRETARY:

2. Senate Bill 1506.

3. (Secretary reads title of bill)

4. 3rd reading of the bill.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Senator Vadalabene.

7. SENATOR VADALABENE:

8. Yes, thank you, Mr. President and members of the Senate.

9. Senate Bill 1506 appropriates six hundred and forty-one thousand
10. dollars to the Board of Trustees of Southern Illinois University
11. for planning and preparation of construction documents for a physical
12. education building on SIU campus at Edwardsville. Let me briefly
13. describe our present situation. We are a campus serving upwards of
14. eleven thousand students and at present our only indoor facility
15. for our physical education, recreation and athletics is an inflated
16. vinyl, dacron weave bubble which has approximately eighteen thousand
17. square feet. It is totally inadequate and even now it is unhealthy,
18. cold in the winter and exceedingly warm in the summer. It simply
19. is not adaptable to a reasonable temperature regulation and as you
20. well know I have reiterated again and again and...since 1967 have
21. attempted to get a physical education building on the SIUE campus
22. in Edwardsville. Let's see what the new building would provide.
23. Instruction. We are so limited now in what we can teach in the area
24. of physical education that it is unconscionable. In today's society
25. where health, recreation and creative use of leisure time are so
26. important we do not have the tools to teach students in many of the
27. activities that have tremendous carrying over value. Thus students
28. are left with a gap in their general education by being denied the
29. opportunities in physical education and recreational activities that
30. are healthful to have so many carrying over value. In recreation
31. a good institution needs a recreation program that allows for both
32. organized and unstructured time for both men and women to engage in
33. bodily exercise and competition. SIU Edwardsville, this can only

1. occur on a limited basis in...extremely cold facility in the
2. winter time and I might add that a viable recreation program is
3. a most important factor on a commuter campus in creating an
4. environment where students want to stay around. Athletics, for
5. obvious reasons we presently have a highly attenuated athletic
6. program and because our men and women basketball teams must play
7. their limited home schedule at an Edwardsville high school or in
8. surrounding grade schools it is difficult to recruit sustained
9. morale or develop a solid body of student interest and support.
10. As I have noted to the extent of almost Pavlovian repetition
11. Southern Illinois University at Edwardsville is the only senior
12. institution in Illinois without such a facility. You may be
13. assured that I will continue to hark on this grievous inequity
14. until the State finds a way to redress this and I would appreciate
15. if you would redress it at this moment and give me a favorable
16. vote.

17. PRESIDING OFFICER: (SENATOR ROCK)

18. Senator Knuppel.

19. SENATOR KNUPPEL:

20. Would the sponsor yield for a question?

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Indicates he will yield.

23. SENATOR KNUPPEL:

24. Senator, what is the physical education building? Is that
25. what's commonly called a gymnasium?

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Senator Vadalabene.

28. SENATOR VADALABENE:

29. Yes, as when I went to school it was a gymnasium. Now they
30. call them a physical education building.

31. PRESIDING OFFICER: (SENATOR ROCK)

32. Senator Knuppel.

33. SENATOR KNUPPEL:

1. Well now, I think they call it an assembly hall at the
2. University of Illinois. Is that correct?
3. PRESIDENT:
4. Senator Vadalabene.
5. SENATOR VADALABENE:
6. I think they call that an Assembly Hall at the University of
7. Illinois. Yes.
8. PRESIDENT:
9. Senator Knuppel.
10. SENATOR KNUPPTEL:
11. Can this be used to replace what's been commonly referred to
12. as an exhibition hall?
13. PRESIDENT:
14. Senator Vadalabene.
15. SENATOR VADALABENE:
16. You bring up a good point. I am sure that the university
17. can use it for whatever purposes they want. This is mainly
18. a physical education building. Now if you're talking about the
19. Convention Center legislation of which I am the father, the father
20. of the Convention Centers throughout the State of Illinois where
21. seventy-five million dollars was used up and there's a hundred and
22. eighty thousand dollars in the bank left or now we're talking about
23. something else. Had I been successful in the multi-purpose building
24. that I so...that I fought so heartily for for over seven years we
25. would have received twenty million dollars of that Convention Center
26. money. This building will...will not come up to even half of that
27. type of money or possibly half of it so we're not talking about a
28. Convention Center we're talking about a physical education for eleven
29. thousand students at SIU Edwardsville.
30. PRESIDENT:
31. Senator Knuppel.
32. SENATOR KNUPPTEL:
33. Well then what you're telling me here is is this building here

1. is kind of what we call, in my parlance in the country, a brushcolt.
2. PRESIDENT:
3. Senator Vadalabene.
4. SENATOR VADALABENE:
5. I don't know what brushcolt means. I don't know whether that's
6. Polish, Lithuanian I don't know what brushcolt means but I...what I
7. am saying is this that we are the only university...I've been to
8. three groundbreaking in my district in the last two years, a grade
9. school and two high schools both of them had physical education
10. buildings built right into them. I think it's time for us. Thirteen
11. years, over eleven thousand students to have a PE building and I
12. would appreciate a favorable vote.
13. PRESIDENT:
14. Senator Knuppel.
15. SENATOR KNUPPTEL:
16. Senator, I sure want to accommodate you but as I say I'm
17. afraid this brushcolt is going to stand in and kind of pass, you
18. know like a pony for your convention center and, incidentally,
19. those three groundbreakings is two more than I had.
20. PRESIDENT:
21. Senator Regner.
22. SENATOR REGNER:
23. Just to comment on the bill. First of all, it is an un-
24. budgeted item of six hundred and some thousand dollars and this
25. project has a lower priority than the projects that Senator Weaver
26. tried to amend on to Senator Buzbee's bill yesterday and that
27. amendment was defeated so I see no reason for passing this bill
28. with a lower priority and even though it is only a hundred and...
29. or six hundred thousand dollars the ultimate cost to...to the State
30. is about twelve million so with this unbudgeted item I'd suggest
31. the bill be defeated.
32. PRESIDENT:
33. Senator Mitchler.

1. SENATOR MITCHLER:

2. Mr. President and members of the Senate, I'd like to correct
3. Senator Vadalabene on one of his statements. He said that he was
4. the father of the so-called Metropolitan Exposition Centers and
5. Civic Centers. Senator Bert Rosander of Rockford is the father.
6. He was the one that introduced the original legislation that sort
7. of simmered for several years. Now Senator Vadalabene, you can be
8. classified as the mother because when you are handling the bills
9. these Civic Centers actually gave birth. So from now on refer to
10. yourself as Mother Vadalabene.

11. PRESIDENT:

12. Senator Vadalabene may reply and close the debate.

13. SENATOR VADALABENE:

14. Well I'd like to refer to as mother something else but I'm
15. not going to do it at this time but...however I was in the Senate
16. when Senator Rosander was here and if you'll see the roll call on
17. that...on the Civic Center Legislation you'll see that Senator
18. Rosander voted No. As a matter of fact, the only Senator who voted
19. Aye at that time was my colleague, Senator Jack Walker, who I think is
20. one of the greatest Senators we've ever had, however, if you'll
21. look at the legislation on the funding of the seventy-five million
22. dollars you won't see Senator Rosander's name on there you'll see
23. Senator Vadalabene's and I don't care whether I'm the father, the
24. mother or the grandfather, I'm trying to get this bill through.

25. PRESIDENT:

26. The question is, shall Senate Bill 1506 pass. Those in favor
27. will vote Aye. Those opposed will vote Nay. The voting is open.
28. Have all voted who wish? Have all voted who wish? Take the record.
29. On that question, the Ayes are 37, the Nays are 13, None Voting
30. Present. Senate Bill 1506 having received the required constitutional
31. majority is declared passed. Senate Bill 1509, Senator Weaver.

32. SECRETARY:

33. Senate Bill 1509.

1. (Secretary reads title of bill)

2. 3rd reading of the bill.

3. PRESIDENT:

4. Senator Weaver.

5. SENATOR WEAVER:

6. Thank you, Mr. President. Senate Bill 1509 is the annual

7. appropriation to the Commission on Economic Development. If anyone

8. has any questions I'll be happy to try and answer them otherwise

9. I'd appreciate a favorable roll call.

10. PRESIDENT:

11. Is there any discussion? If not, the question is, shall

12. Senate Bill 1509 pass. Those in favor will vote Aye. Those

13. opposed will vote Nay. The voting is open. Have all voted who

14. wish? Have all voted who wish? Take the record. On that question,

15. the Ayes are 50, the Nays are None. None Voting Present. Senate

16. Bill 1509 having received the required constitutional majority is

17. declared passed. Senate Bill 1510. Senator Weaver. Senate Bill

18. 1513. Senator Shapiro. Read the bill.

19. SECRETARY:

20. Senate Bill 1513.

21. (Secretary reads title of bill)

22. 3rd reading of the bill.

23. PRESIDENT:

24. Senator Shapiro.

25. SENATOR SHAPIRO:

26. Mr. President and Ladies and Gentlemen of the Senate. The

27. synopsis of the bill pretty well describes it. It appropriates

28. forty thousand dollars from the Ag Premium Fund to the Department

29. of Agriculture to replace the Fine Arts Building at the Bureau

30. County Fairgrounds which was destroyed by a tornado in the Spring

31. of 1977. At that particular time the fair was just a few months

32. away and the Board of Directors went ahead and started the replacement

33. of the building. They found out that they were in dire financial

1. straits and could not borrow the money to support it so they
2. started looking around for financing. They were advised by the
3. Department of Agriculture that in the past and the present that the
4. Ag Premium Fund had been used to replace fairground buildings that
5. were destroyed by acts of God. That's the genesis of the bill. I
6. would appreciate a favorable roll call.

7. PRESIDENT:

8. Senator Sangmeister.

9. SENATOR SANGMEISTER:

10. Will the sponsor yield for one question?

11. PRESIDENT:

12. Indicates he will yield.

13. SENATOR SANGMEISTER:

14. I'm undoubtedly going to support this but the question does
15. arise, isn't...you know tornado, you can have tornado insurance.
16. What's the reason that the...this building or any other county fair
17. buildings aren't covered by insurance?

18. PRESIDENT:

19. Senator Shapiro.

20. SENATOR SHAPIRO:

21. The amount of insurance...the total amount of the insurance
22. that they were able to get on the bill was two thousand dollars.
23. It barely paid for cleaning up the grounds.

24. PRESIDENT:

25. Senator Sangmeister.

26. SENATOR SANGMEISTER:

27. In other words the buildings were in such bad shape to begin
28. with that they couldn't get any more than two thousand dollars worth
29. of coverage?

30. PRESIDENT:

31. Senator Shapiro.

32. SENATOR SHAPIRO:

33. No. It was the age of the building. The Bureau County Fairgrounds

1. is the second oldest fairgrounds in the State.

2. PRESIDENT:

3. Is there any further discussion? If not, the question is...

4. Senator Buzbee.

5. SENATOR BUZBEE:

6. Yes, Mr. President, as we stated in committee this was kind

7. of a strange way of doing things because they went ahead and

8. rebuilt the building then came to the General Assembly and said

9. give us the money and we agreed in the Appropriations Committee

10. to, in fact, do that but in...in the future we're...we're not going

11. to be put in that kind of a spot, but I just have one question for...

12. for the sponsor. I intend to vote for this bill. I would...am not

13. opposed to rolling a log once in awhile and I'm just wondering if...

14. if the sponsor of this bill would then, in fact, be willing to vote

15. for my Law School Bill when it comes up in a few minutes.

16. PRESIDENT:

17. For what purpose does Senator Soper arise?

18. SENATOR SOPER:

19. Well I thought when you traded votes or did something like

20. that you could go to jail.

21. PRESIDENT:

22. A lot of people would be in trouble around here, Senator,

23. if that were the case. Senator Shapiro may close the debate.

24. SENATOR SHAPIRO:

25. Roll call.

26. PRESIDENT:

27. The question is, shall Senate Bill 1513 pass. Those in favor

28. will vote Aye. Those opposed will vote Nay. The voting is open.

29. Have all voted who wish? Have all voted who wish? Take the record.

30. On that question, the Ayes are 51, the Nays are None. None Voting

31. Present. Senate Bill 1513 having received the required constitutional

32. majority is declared passed. Senate Bill 1517. Senator Don Moore.

33. Read the bill.

1. SECRETARY:
2. Senate Bill 1517.
3. (Secretary reads title of bill)
4. 3rd reading of the bill.
5. PRESIDENT:
6. Senator Moore.
7. SENATOR MOORE:
8. Thank you, Mr. President and members of the Senate. Senate
9. Bill 1517 appropriates funds for the ordinary and contingent expenses
10. of the Legislative Advisory Committee on Public Aid in the amount of
11. three hundred and ten thousand five hundred dollars. I'd be happy
12. to answer any questions. If not, I'd ask for a favorable roll
13. call.
14. PRESIDENT:
15. Is there any discussion? If not, the question is, shall
16. Senate Bill 1517 pass. Those in favor will vote Aye. Those
17. opposed will vote Nay. The voting is open. Have all voted who
18. wish? Have all voted who wish? Take the record. On that
19. question, the Ayes are 49, the Nays are None, 1 Voting Present.
20. Senate Bill 1517 having received the required constitutional
21. majority is declared passed. Senate Bill 1523. Senator Regner.
22. Read...Senator...for what purpose does Senator Regner arise?
23. SENATOR REGNER:
24. Mr. President, yesterday when we moved this bill to 3rd
25. reading I agreed to bring it back to 2nd for an amendment that
26. Senator Weaver has. I'd like to do that at this time.
27. PRESIDENT:
28. All...It would be preferable procedure, I think, to do it
29. at the end of the day...
30. SENATOR REGNER:
31. Okay.
32. PRESIDENT:
33. ...when there will be other bills...

1. SENATOR REGNER:
2. Okay fine.
3. PRESIDENT:
4. ...in the same category. Senate Bill 1550. Senator Philip.
5. Read the bill.
6. SECRETARY:
7. Senate Bill 1550.
8. (Secretary reads title of bill)
9. 3rd reading of the bill.
10. PRESIDENT:
11. Senator Philip.
12. SENATOR PHILIP:
13. Thank you, Mr. President and Ladies and Gentlemen of the Senate.
14. Senate Bill 1550 increases deer permits in Illinois from five to
15. fifteen dollars. I might remind you that this has never been in-
16. creased in the...since the conception. All the states around us are
17. way higher. Wisconsin is at twenty-five. Colorado twenty-five.
18. Missouri twenty-five. Illinois is the lowest of the fifty states.
19. The Illinois Deer Hunters Association supports this. The Illinois
20. Wildlife Federation. The Department of Conservation. The money
21. will be used...the first five hundred thousand will be used to
22. modernize the permit allocation system to establish a study to
23. determine the female productivity of deer in Illinois. Purchase
24. a surveillance aircraft and to increase the Shawnee Conservation
25. product a hundred thousand dollars. The...second five hundred
26. thousand is to employ fifteen new conservation officers and provide
27. them with training and two-way radios. You know there is a lot
28. of poaching that goes on in Illinois and to employ two forest
29. game biologists. If there are any questions I'd be more than happy
30. to answer them for you.
31. PRESIDENT:
32. Is there any discussion? Senator Joyce.
33. SENATOR JOYCE:

1. Yes, thank you, Mr...President. Would the sponsor yield
2. to a question?
3. PRESIDENT:
4. Indicates he will yield.
5. SENATOR JOYCE:
6. Okay. I'm wondering if there won't be more poaching after
7. this law goes in effect. You know you're tripling the...the cost
8. of the license. I...I have...I think that we're going...you know...
9. we're going too high, too quick with this. I...I realize it's been
10. a long time since there has been a raise, but...you know maybe we're
11. doing this to...to help the Governor's General Revenue Budget rather
12. than...than to do something...in regard to raising...or to helping
13. the Department of Conservation.
14. PRESIDENT:
15. Senator Knuppel.
16. SENATOR KNUPPEL:
17. May I ask the sponsor a question?
18. PRESIDENT:
19. Indicates he will yield.
20. SENATOR KNUPPEL:
21. How do they allot the number of deer permits that are allotted
22. each year? How do they decide how many?
23. PRESIDENT:
24. Senator Philip.
25. SENATOR PHILIP:
26. I believe it's by lottery. First come, first serve. And let
27. me say this, Senator Knuppel, one of the problems in the past has
28. because the deer permit is only at five dollars you might have one
29. man buying a permit for his wife, his son, his grandson, himself and
30. we have where a man might buy five, six or seven permits because
31. they're only at five dollars. It would give him a much better
32. chance, of course, in the lottery and I think if we moved it up
33. to fifteen dollars that you wouldn't have that man or that family

1. buying all those deer permits...all those chances.

2. PRESIDENT:

3. Senator Knuppel.

4. SENATOR KNUPPEL:

5. Well, isn't it a fact that deer have become almost as
6. scourged in Central Illinois that my...the people that live on
7. my farm say they've seen as many as five and six standing in an
8. area where I plan to build a home and other people have told me
9. they've seen as many as eighteen or nineteen or twenty deer in a...
10. in a group. Down around New Salem State Park I've seen as many and
11. counted as many as seven or eight there one night as I went home...
12. caught...caught them in my lights. Now putting on more conservation
13. officers and so forth, it seems to me will only tend to increase
14. the number of available deer unless...unless the Conservation
15. Department takes greater means and issues more permits. Now if
16. they're willing to issue more permits at a higher price I have no
17. big quarrel with the price. My quarrel is with those deer that are
18. tearing the hell out of my corn field. Do we have any assurance
19. from the department that they'll do everything than can to control
20. the deer population at reasonable levels?

21. PRESIDENT:

22. Senator Philip.

23. SENATOR PHILIP:

24. Senator Knuppel, I have been led to believe that they legally
25. kill about thirty-five thousand deer annually in Illinois. They
26. poach and there's no really accurate way to determine how many
27. they poach. They believe they poach an additional thirty-five
28. thousand and that is, quite frankly, the reason for more conservation
29. officers. The amount of poaching that goes on through Central and
30. Southern Illinois, it's unbelievable. They...the department feels
31. very strongly. They kill...they poach as many as they legally kill.

32. PRESIDENT:

33. Senator Knuppel.

1. SENATOR KNUPPEL:

2. Well...it seems to me that the deer population is expanding
3. with...without regard to the fact that there's poaching and without
4. regard to the number that are slaughtered. As I say I grew up
5. my entire childhood in a rural area. You've heard me say I
6. grew up back in the woods where they have hoot chickens and I never
7. saw a deer in my life until I came back from the war and here
8. they're running all over the place now even with the poaching. Is
9. this...is this going to help the farmers and the regular people or
10. is it just going to make more deer available for those people that
11. come out of Chicago or DuPage County once a year?

12. PRESIDENT:

13. Senator Philip.

14. SENATOR PHILIP:

15. Well I want you to know, Senator, that we do have deer in DuPage
16. County. Most of them are two legged unfortunately. Hopefully
17. this would help the department and I say the Illinois Wildlife
18. Federation, the Illinois Deer Hunters Association, the department
19. is for this. I think it's a step in the right direction. We have
20. never and I'll repeat never increased the cost of deer permits.
21. We're the lowest of fifty states. Everybody's at twenty-five
22. dollars or more and I happen to think it's long overdue.

23. PRESIDENT:

24. Senator Knuppel.

25. SENATOR KNUPPEL:

26. Well does the...is the IAA in favor of this or against it?
27. I...I'm for the...you know that old story about the farmer that
28. took those billy goats down there to the Capitol Building. They
29. turned them out and one of them butted him and broke his pelvis and
30. they took him and put him on a table in the room and the nurse
31. rushed in and she says, no, no, no this room is for women in labor and
32. he says that's the way it is, everything for women and labor and
33. what...not one damn thing for the poor farmer and we're the guys

1. that are feeding those. Do they get any special...do they get
2. a license free? Do we farmers that raise these for you people get
3. ...are they going to issue us a...a more economical or a free license?
4. PRESIDENT:
5. Senator Philip.
6. SENATOR PHILIP:
7. Hopefully there is no free license for anybody in Illinois
8. and I have no idea what the Illinois Agricultural Association
9. position is. I haven't received any communications from them at
10. all. If they have a position I'm certainly unaware of it.
11. PRESIDENT:
12. Is there any further discussion? If not, the question is,
13. shall Senate Bill 1550 pass. Those in favor will vote Aye. Those
14. opposed will vote Nay. The voting is open. Have all voted who wish?
15. Have all voted who wish? Take the record. On that question, the
16. Ayes are 39, the Nays are 11, 1 Voting Present. Senate Bill 1550
17. having received the required constitutional majority is declared
18. passed. For what purpose does Senator Davidson arise?
19. SENATOR DAVIDSON:
20. A point of personal privilege.
21. PRESIDENT:
22. State your point, Senator.
23. SENATOR DAVIDSON:
24. Mr. President, it's not often I rise to do this, but we have
25. a school which has been trying to get here the whole Session and I'd
26. like to introduce to this Senate, Saint Paul Lutheran Church from
27. Nokomis, Illinois. Would they stand and be recognized please.
28. PRESIDENT:
29. Will our guests please rise. For what purpose does Senator
30. Knuppel arise?
31. SENATOR KNUPPEL:
32. Well I...I have no real objection to him introducing those
33. people to make a...to make them think that they're special when he

1. introduces two or three groups a day isn't hardly fair.

2. PRESIDENT:

3. For what purpose does Senator Davidson arise?

4. SENATOR DAVIDSON:

5. Well just so somebody doesn't get the wrong idea and he has
6. and I hardly laugh. I want those people from Nokomis to know that
7. John Knuppel claims to come from the same area of the State of
8. Illinois that I do and I don't introduce three...three at a time.
9. This is the first one I've introduced all year, but thanks for
10. giving me the chance to stand up again, John.

11. PRESIDENT:

12. Senate Bill 1556. Senator Philip. Read the bill.

13. SECRETARY:

14. Senate Bill 1556.

15. (Secretary reads title of bill)

16. 3rd reading of the bill.

17. PRESIDENT:

18. Senator Philip.

19. SENATOR PHILIP:

20. Thank you, Mr. President and Ladies and Gentlemen of the Senate.
21. Senate Bill 1556 is the appropriation for the Space Needs Commission.
22. The expenses for the commission has been reduced by Amendment No. 2
23. some four thousand three hundred and forty-seven dollars. It now
24. sits at ninety-four thousand six hundred and nineteen. For the
25. acquiring of property some 3.5 million dollars. It's basically the
26. same budget as last year. Amendment No. 2 also reduced the pay
27. increase to 5.5. I'll answer any questions and I ask for your
28. favorable consideration.

29. PRESIDENT:

30. Is there any discussion? If not, the question is, shall Senate
31. Bill 1556 pass. Those in favor will vote Aye. Those opposed will
32. vote Nay. The voting is open. Have all voted who wish? Have all
33. voted who wish? Take the record. On that question, the Ayes are 47,

1. the Nays are None, 1 Voting Present. Senate Bill 1556 having
2. received the required constitutional majority is declared passed.
3. Senate Bill 1558, Senator Rhoads. Read the bill.

4. SECRETARY:

5. Senate Bill 1558.

6. (Secretary reads title of bill)

7. 3rd reading of the bill.

8. PRESIDENT:

9. Senator Rhoads.

10. SENATOR RHOADS:

11. Thank you, Mr. President. Senate Bill 1558 appropriates two
12. million four hundred and seventy-seven thousand and seven hundred
13. and fifty-nine dollars from the General Revenue Fund. The Committee
14. Reduction Amendment is on. The Lenke Amendment is off. The infamous
15. Hynes Amendment is on. The Rock caveat to the infamous Hynes
16. Amendment is on and the Buzbee reservations to the Kellog-Breon pact
17. have been Tabled. I ask for your favorable roll call.

18. PRESIDENT:

19. Is there any discussion? If not, the question is, shall Senate
20. Bill 1558 pass. Those in favor will vote Aye. Those opposed will
21. vote Nay. The voting is open. Have all voted who wish? Have all
22. voted who wish? Take the record. On that question, the Ayes are
23. 50, the Nays are None, 1 Voting Present. Senate Bill 1558 having
24. received the required constitutional majority is declared passed.
25. Senate Bill 1561, Senator Regner. Senator Regner.

26. SENATOR REGNER:

27. Mr. President, I understand we're going to recess for lunch
28. relatively soon and I would ask leave of the Senate to...when we
29. return at 2:00 o'clock to call 1561 first at that time.

30. PRESIDENT:

31. All right. You've heard the request. Is leave granted? Leave
32. is granted. Senate Bill...Senate Bill 1565, Senator Buzbee. Senator
33. Buzbee.

1. SENATOR BUZBEE:

2. Mr. President, I would request that we take that up right
3. immediately after Senator Regner's bill right after lunch.

4. PRESIDENT:

5. You've heard the request. Is leave granted? Leave is granted.
6. ...Senate Bill 1574 is Senator Davidson. Read the bill.

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11.

(END OF REEL)

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1. SECRETARY:

2. Senate Bill 1574.

3. (Secretary reads title of bill)

4. 3rd reading of the bill.

5. PRESIDENT:

6. Senator Davidson.

7. SENATOR DAVIDSON:

8. This is the regular appropriation...Department of
9. Aging with the reduction from the committee amendment that
10. was adopted yesterday. The total now is thirty-four million
11. twenty-eight thousand sixty-four dollars. I ask for a favorable
12. vote.

13. PRESIDENT:

14. Is there any discussion? If not, the question is shall
15. Senate Bill 1574 pass. Those in favor will vote Aye. Those
16. opposed will vote Nay. The voting is open. Have all voted
17. who wish? Have all voted who wish? Take the record.
18. On that question the Ayes are 51, the Nays are none,
19. 1 Voting Present. Senate Bill 1574 having received
20. the required constitutional majority is declared passed.
21. Senate Bill 1575, Senator Glass. Read the bill.

22. SECRETARY:

23. Senate Bill...Senate Bill 1575.

24. (Secretary reads title of bill)

25. 3rd reading of the bill.

26. PRESIDENT:

27. Senator Glass.

28. SENATOR GLASS:

29. Thank you, Mr. President and Ladies and Gentlemen. This
30. is the annual appropriation for the Office of Lieutenant Governor
31. in the amount of four hundred and forty-eight thousand seven
32. hundred dollars. I'd appreciate a favorable roll call.

33. PRESIDENT:

1. Is there any discussion? If not, the question is shall Senate
2. Bill 1575 pass. Those in favor will vote Aye. Those opposed
3. will vote Nay. The voting is open. Have all voted who wish?
4. Have all voted who wish? Take the record. On that
5. question the Ayes are 50, the Nays are none, 1 Voting
6. Present. Senate Bill 1575 having received the required
7. constitutional majority is declared passed. Senate Bill
8. 1580, Senator Nimrod. Read the bill.

9. SECRETARY:

10. Senate Bill 1580.

11. (Secretary reads title of bill)

12. 3rd reading of the bill.

13. PRESIDENT:

14. Senator Nimrod.

15. SENATOR NIMROD:

16. Yes, Mr. President and Ladies and Gentlemen of the Senate.
17. This is for expenses for the medical center...amount of hundred
18. and ninety-seven thousand two hundred dollars. Ask for a
19. favorable roll call.

20. PRESIDENT:

21. Is there any discussion? If not, the question is shall Senate
22. Bill 1580 pass. Those in favor will vote Aye. Those opposed
23. will vote Nay. The voting is open. Have all voted who wish?
24. Have all voted who wish? Take the record. On that question the
25. Ayes are 49, the Nays are none, 1 Voting Present. Senate Bill
26. 1580 having received the required constitutional majority
27. is declared passed. Senate Bill 1587, Senator Davidson.
28. Read the bill.

29. SECRETARY:

30. Senate Bill 1587.

31. (Secretary reads title of bill)

32. 3rd reading of the bill.

33. PRESIDENT:

1. Senator Davidson.

2. SENATOR DAVIDSON:

3. This is the reappropriation of monies to the Capital
4. Development Board. The amount is reduced from yesterday's
5. action. Amount...the correct now is four hundred and fifty
6. million three hundred and twenty-five thousand two hundred and
7. twenty-two dollars. Ask for a favorable roll call.

8. PRESIDENT:

9. Is there any discussion? If not, the question is shall
10. Senate Bill 1587 pass. Those in favor will vote Aye.
11. Those opposed will vote Nay. The voting is open. Have all
12. voted who wish? Have all voted who wish? Take the record.
13. On that question the Ayes are 47, the Nays are 2, none
14. Voting Present. Senate Bill 1587 having received the required
15. constitutional majority is declared passed. For what purpose
16. does Senator Rock arise?

17. SENATOR ROCK:

18. Thank you, Mr. President. It is approaching, if not already,
19. 12:30 and I would move that the Senate now stand in recess
20. until the hour of 2:00 o'clock.

21. PRESIDENT:

22. You've heard the motion. All those in favor signify
23. by saying Aye. Opposed. The Ayes have it. The Senate stands in
24. recess till twelve...till the hour of 2:00 o'clock.

25. Recess

26. After Recess

27. PRESIDENT:

28. The hour of two o'clock having come and gone, the Senate
29. will please come to order. We had announced that we would
30. begin on Senate Bills, 3rd reading, when we returned. The
31. Secretary has two or three bills on...House Bills on 1st
32. reading that we would like to get off the Calendar. Is there
33. leave to go to that Order of Business? Leave is granted. House
34. Bills, 1st reading.

1. SECRETARY:
2. House Bill 2714, Senator Regner will be the sponsor.
3. House Bill 2722, Senator Harber Hall will be the sponsor.
4. House Bill 3004, Senator Sangmeister will be the sponsor.
5. PRESIDENT:
6. Rules Committee. On the Order of Senate Bills, 3rd reading.
7. Senate Bill 1561, Senator Regner. Will the Sergeant-at-Arms
8. please ring the bell. Senate Bill 1561, Senator Regner.
9. Read the bill.
10. SECRETARY:
11. Senate Bill 1561.
12. (Secretary reads title of bill)
13. 3rd reading of the bill.
14. PRESIDENT:
15. Senator Regner.
16. SENATOR REGNER:
17. Mr. President and members of the Senate. This is the annual
18. appropriation for the Legislative Information System, total of
19. one million eight hundred and six thousand two hundred and
20. seventy-four dollars. It includes purchasing our own computer
21. system so that we won't have to rely on the Executive Branch
22. anymore and also a photo composition equipment so that
23. we can do our own printing of bills, Calendars and Journals
24. and I'd ask a favorable roll call.
25. PRESIDENT:
26. Is there any discussion? If not, the...Senator Rock.
27. SENATOR ROCK:
28. Senator, I am in full support of Senate Bill 1561.
29. My question, I guess, is as a result of today's lousy Calendar,
30. are we ever going to get the LIS in the position where we can
31. do our own printing of Calendars and Journals and so forth?.
32. PRESIDENT:
33. Senator Regner.

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1. SENATOR REGNER:

2. Computerized, we can right now because it is on tape

3. but we don't have the printing facilities and that's what

4. the photo comp is for.

5. PRESIDENT:

6. Is there any further discussion? If not, the question is shall

7. Senate Bill 1561 pass. Those in favor will vote Aye. Those

8. opposed will vote Nay. The voting is open. Have all voted

9. who wish? Have all voted who wish? Take the record. On that

10. question the Ayes are 55, the Nays are none, none Voting

11. Present. Senate Bill 1561 having received the required

12. constitutional majority is declared passed. Senator Maragos

13. would like the record to reflect that had he been in his seat,

14. he would have voted Aye and the record will so reflect.

15. For what purpose does Senator Buzbee arise?

16. SENATOR BUZBEE:

17. Would you request the Secretary to read Senate Bill

18. 1565, Mr. President? Not too...

19. PRESIDENT:

20. On the Order of Senate Bills...

21. SENATOR BUZBEE:

22. ...not too fast.

23. PRESIDENT:

24. On the Order of Senate Bills, 3rd reading, Senate Bill 1565,

25. Senator Buzbee. Read the bill.

26. SECRETARY:

27. Senate Bill 1565.

28. (Secretary reads title of bill)

29. 3rd reading of the bill.

30. PRESIDENT:

31. Senator Buzbee.

32. SENATOR BUZBEE:

33. Thank you, Mr. President. Senate Bill 1565 appropriates seven

1. million five hundred eighty thousand dollars from the Capital
2. Development Fund for the planning and construction of the
3. SIU Law School. The BHE supports the SIU project and recommended
4. its funding. The Governor's cut...cutoff point, of course,
5. happened to miss this particular construction project. The
6. funds for construction of the SIU Law School is a project which
7. should be given special consideration. The American Bar
8. Association, which is the accrediting agency for law schools,
9. has threatened to withdraw SIU's provisionally accredited
10. status unless SIU complies with its standards. Apparently,
11. four sets of American Bar inspectors have given SIU high
12. marks on the...on the...it's law school except for its
13. physical facilities. State funds were appropriated in
14. FY '76 and an additional two hundred and fifty thousand four
15. hundred dollars was appropriated in FY '78 for planning the
16. new facility. The Governor released the FY '78 planning
17. funds in March of this year. Although the funds are not in the
18. Governor's budget, it is my belief that the Governor, in fact,
19. will sign the bill if it's passed by both Houses of the General
20. Assembly. Of course, what has happened is with the total
21. of seven million...seven and a half million dollars, it will be
22. virtually impossible to spend over one or perhaps two million
23. dollars of that during FY '79 for a very simple reason.
24. The planning money is presently being expended. It continues
25. on, it will be November or December before they are able to even
26. talk about letting any contracts. The next construction season
27. would start in probably April or May of 1979 which means that by
28. end of June, we could only have expended one or two million dollars.
29. We will then, of course, have to reappropriate the balance of
30. this money for FY '80. As I said earlier, I think that the...
31. the Governor will, in fact, sign the bill. It will not have a
32. major impact on the sale of Capital Development Bonds because of the
33. fact that only about one or two million will be necessary to be

1. sold and the money expended during FY '79. We had a professor
2. from the University of South Carolina who is a member of the
3. American Bar Association Accreditation Team to appear before
4. the Senate Appropriations I Committee in testimony to testify
5. that the...that the American Bar Association is absolutely
6. serious about this. They think SIU has done a good job on
7. the operation...the set up and operation of their law school.
8. But they do intend, in fact, to make them have...start the con-
9. struction of the law school building. They have been turning
10. out some high quality young lawyers in that law school in an
11. area which is badly needed. If you were able to see the
12. actual physical facilities that the law school is presently
13. conducting its classes in, you would understand the urgency
14. for...of this need. We, in fact, took a tour a few months
15. ago of the facility there on the Carbondale campus. It's
16. presently located in two former dormitories and any of you who
17. have been to law school could appreciate much more than I,
18. I'm sure, the fact that students are required to do their
19. studying in areas that are so congested with no windows,
20. inadequate ventilation, cramped space and in fact, the
21. law school library is contained in two separate portions,
22. one of them is in the basement of this old dormitory
23. and the other portion is in cardboard boxes in the attic
24. of the other dormitory, literally. I'm not exaggerating.
25. They take the manuals or the...the law school journals, the
26. professional journals and some of the older books and they
27. store them in cardboard boxes and put them in the attic of the
28. other dormitory. It so happens that whenever student needs
29. those books, they have to send a runner from the law school
30. library over to the other one, dig through the boxes and find
31. that particular book. I'll say quite frankly, it's a heck
32. of a way to run a law school but they've been doing a good
33. job. A lot of people I know from your various districts have been

1. writing you explaining to you the need and the necessity
2. for this building. We are not trying to...

3. PRESIDENT:

4. For what purpose does Senator Knuppel arise?

5. SENATOR KNUPPTEL:

6. ...I happen to be a lawyer and I don't want
7. him to talk that damn building to death. You know, it's a
8. thing we need. If...if there is something wrong with
9. lawyers, this building will help cure it. And let's
10. do it, let's vote for it in spite of Jimmy Chipmunk.
11. Let's get it out of here, but don't talk it to death
12. even if you have got it all in your press release, please.

13. PRESIDENT:

14. Senator Buzbee may conclude his remarks.

15. SENATOR BUZBEE:

16. Thank you, Mr....thank you, Mr. President. I thought
17. my remarks were quite enlightening and I certainly don't want to
18. kill my bill. Looking around over the Floor I think, perhaps,
19. that I have...I have convinced almost enough people now that
20. perhaps I could conclude my remarks and take the admonition of
21. Senator Knuppel. Thank you.

22. PRESIDENT:

23. Senator Johns.

24. SENATOR JOHNS:

25. Thank you, Mr. President. It's ironic, very ironic
26. that here are two nonlawyers in the Legislature pushing for a law
27. school and a lawyer objecting to our tactics in order to get
28. the roll call in the proper shape. But let me tell you this
29. Gentlemen and Ladies of the Senate, one of the main reasons
30. for funding and founding the school at Carbondale was the need
31. for competent lawyers in southern Illinois. From the beginning
32. ...from the beginning the school has addressed itself to that
33. need. Over sixty percent of the members of the first class

1. and more than fifty percent of each succeeding class have
2. been from southern Illinois. We want that school bad. We
3. need the accreditation that will come with the proper building.
4. We think that our young people of southern Illinois ought to
5. have a chance to go to school nearby and return to the area
6. from whence it came and I urge everyone of you to give very
7. serious consideration to this bill. We need it, we want it
8. and we will remember your good graces. Thank you, very
9. much, Mr. President.

10. PRESIDENT:

11. Senator Netsch.

12. SENATOR NETSCH:

13. Thank you, Mr. President. Now that Senator Buzbee has
14. had time to count his house and we can get onto a roll call,
15. I wanted to take a...let's talk...oh, I'm sorry. I'm
16. supposed to talk a little bit longer. Well, I...I did want
17. to point out one thing that sounds absolutely irrelevant
18. but is not totally irrelevant and it's the only opportunity
19. I've had to call attention to it, one of the former staff
20. members of the Senate, Mary Lou Lowder, is presently a
21. student about to enter her third year in the law school at
22. Southern Illinois University and I thought...Mary Lou
23. served as my secretary while she was here. She's also
24. the daughter of someone else who is still on our staff,
25. June Lowder. I thought some of you who remember Mary Lou
26. Lowder might be interested to know that she's had a really very exciting
27. career at Southern Illinois Univeristy Law School. She is
28. presently number one in her class and next year will serve
29. as managing editor of the Law Review. Now, Mary Lou has not
30. specifically lobbied me on this bill. But I am sufficiently
31. proud of her accomplishments there that I am sure if she had
32. lobbied me on the bill, she would have been highly persuasive
33. and would have convinced me that it is a law school that has the

1. good judgment to...to acknowledge her achievements
2. and, therefore, the achievements of a lot of the other students
3. and it is, therefore, a law school which should not be
4. housed and quartered in absolutely inadequate circumstances
5. so that for reasons which may only superficially seem
6. relevant to you, I would support Senator Buzbee is his...
7. okay, we've got enough votes now. Thank you very much,
8. Mr. President.
9. PRESIDENT:
10. Senator Regner.
11. SENATOR REGNER:
12. Just...just an observation I made while Senator Buzbee
13. was giving his lengthy explanation and very slow dialogue,
14. I think the taxpayers in Illinois are very fortunate that
15. Senator Buzbee is paid a flat salary of twenty thousand dollars
16. a year rather than being paid on an hourly basis. But Senator
17. Buzbee, I do have a question.
18. PRESIDENT:
19. Indicates he will yield.
20. SENATOR REGNER:
21. Is this a budgeted item?
22. PRESIDENT:
23. Senator Buzbee.
24. SENATOR BUZBEE:
25. It is not included in the document that the budget...that
26. the Governor published as his budgetary requests, however the
27. Governor is on record publicly as saying he supports the
28. construction of this law school and will do nothing to stop
29. ...to stop the construction.
30. PRESIDENT:
31. Senator Regner.
32. SENATOR REGNER:
33. Well, just the fact that it wasn't in the budget,

1. it isn't provided for in capital monies and all that. I
2. certainly cannot support the concept at this time. At the
3. proper time when monies are available, I will support it,
4. but not at this time.

5. PRESIDENT:

6. Senator Soper.

7. SENATOR SOPER:

8. Thank you, Mr. President. I was delighted to hear Senator
9. Buzbee and Senator Johns tell us that all that...adverse
10. conditions that they have down there and where the fellows have
11. to walk by the messenger service or whatever it is to get to the
12. books and they can pass the bar and...and they're qualified
13. and they're finally bringing qualified lawyers into the
14. State of Illinois from this little...little school down there
15. in Carbondale that's been under...underpaid or whatever they
16. ...and they're underbooked and you've got to walk from one
17. room to another before you can get the right book and...but
18. they're so wonderful and they're so...I think we ought to let
19. them continue with this adversity. I think it's brought out
20. stronger lawyers because he's proved to me that's the case and
21. I think it would be justifiable on our part to give them another
22. year or two and then...then we'll build that edifice for them
23. and they can go to hell in a...in a Rolls Royce.

24. PRESIDENT:

25. Senator Hickey.

26. SENATOR HICKEY:

27. Thank you, Mr. President. I just wanted to say this isn't
28. only for lawyers in Southern Illinois. I've had lots of mail
29. from law students who live in Rockford, Illinois, who want to be
30. sure that this bill passes, too.

31. PRESIDENT:

32. Senator Knuppel.

33. SENATOR KNUPPEL:

Well, I...I hope they train a few lawyers to handle

1. Workmen's Compensation cases and those people that need lawyers
2. and don't just train those that do probate work and property work.

3. PRESIDENT:

4. Senator Buzbee may close the debate.

5. SENATOR BUZBEE:

6. Roll call, Mr. President.

7. PRESIDENT:

8. The question is shall Senate Bill 1565 pass. Those in
9. favor will vote Aye. Those opposed will vote Nay. The
10. voting is open. Have all voted who wish? Have all voted
11. who wish? Take the record. On that question the Ayes
12. are 36, the Nays are 11, 7...7 Voting Present. Senate
13. Bill 1565 having received the required constitutional
14. majority is declared passed. For what purpose does Senator
15. Maragos arise?

16. SENATOR MARAGOS:

17. On a point of personal privilege, Mr. President.

18. In the audience in the gallery, I should say, in the President's
19. gallery we are honored today to have the presence of the Chief
20. Clerk of the Chicago Board of Elections, Mr. William
21. Rummel, my former neighbor. Please stand up and be introduced.

22. PRESIDENT:

23. Will our guest please rise. For what purpose does Senator
24. Rupp arise?

25. SENATOR RUPP:

26. Mr. President. Point of personal privilege.

27. PRESIDENT:

28. State your point.

29. SENATOR RUPP:

30. I have a group of youngsters from Decatur, the Board of
31. Realtors from Decatur in the President's gallery. I ask that
32. they stand and be recognized.

33. PRESIDENT:

1. Will our guests please rise. Senator Kenneth Hall.
2. SENATOR KENNETH HALL:
3. Point of personal privilege, Mr. President.
4. PRESIDENT:
5. State your point, Senator.
6. SENATOR KENNETH HALL:
7. In the rear Chamber we have the honor of having the chief
8. clerk of the Board of Elections of East St. Louis and we have
9. two members, Judge Oral Polk and Miss Fanny Jones who are
10. present with their attorney.
11. PRESIDENT:
12. Senator Newhouse.
13. SENATOR NEWHOUSE:
14. Thank you, Mr. President. Yes. Thank you, Mr. President.
15. Mr. President, in the gallery directly behind me to my left,
16. I have a group of future voters from St. Mary Magdalene School in
17. Chicago. I wonder if they would stand and be recognized by this
18. House and accept our best wishes for a good visit from us.
19. PRESIDENT:
20. For what purpose does Senator Vadalabene arise?
21. SENATOR VADALABENE:
22. Yes, since we're on introductions, I would like to say
23. that Senator Sam M. V. is running in the third race tonight at
24. Fairmont, wish...hoping to win his first race.
25. PRESIDENT:
26. On the Order of Senate Bills, 3rd reading, Senate Bill
27. 1591, Senator Mitchler. Read the bill.
28. SECRETARY:
29. Senate Bill 1591.
30. (Secretary reads title of bill)
31. 3rd reading of the bill.
32. PRESIDENT:
33. Senator Mitchler.

1. SENATOR MITCHLER:

2. Mr. President and members of the Senate. Senate Bill
3. 1591 is the annual appropriation for the Department of
4. Veteran's Affairs. The...there has been two amendments placed
5. on the bill. The first amendment reduced several line items
6. in the appropriation to which I opposed and the second amendment
7. was a...an amendment that would allow only fifty percent
8. of the appropriation to be spent prior to January, 1979.
9. I would ask for a favorable roll call...passage of this bill.

10. PRESIDENT:

11. Is there any discussion? Is there any discussion? If not,
12. the question is shall Senate Bill 1591 pass. Those in favor
13. will vote Aye. Those opposed will vote Nay. The voting
14. is open. Have all voted who wish? Have all voted who wish?
15. Take the record. On that question the Ayes are 54, the Nays
16. are none, none Voting Present. Senate Bill 1591 having
17. received the required constitutional majority is declared passed.
18. Senate Bill 1617, Senator Davidson. For what purpose does
19. Senator Rock arise?

20. SENATOR ROCK:

21. I wonder if the Senator would be kind enough to hold
22. that. There are a number of bills on the Calendar dealing with
23. this type of relief and it seems only appropriate that we would
24. deal with them all at once.

25. PRESIDENT:

26. Senator Davidson.

27. SENATOR DAVIDSON:

28. As a reasonable man as Senator Rock says he is, I'm sure
29. we'll get to this bill sometime this week.

30. PRESIDENT:

31. Senator Davidson indicates he will accede to your
32. request, Senator Rock. Senate Bill 1618, Senator Joyce. Read
33. the bill.

1. SECRETARY:
2. Senate Bill 1618.
3. (Secretary reads title of bill)
4. 3rd reading of the bill.
5. PRESIDENT:
6. Senator Joyce.
7. SENATOR JOYCE:
8. Thank you, Mr. President. I think everyone is quite
9. aware of this. The commission has been formed. It is
10. working without funds. It has worked this past year and if...
11. we need this commission as a vehicle to deal with the...
12. a like commission formed in Indiana that they're dealing with
13. a...trying to dredge the Kankakee River in Indiana, it could
14. cause severe flooding in Illinois.
15. PRESIDENT:
16. Is there any discussion? Senator Mitchler.
17. SENATOR MITCHLER:
18. Mr. President and members of the Senate. There is the
19. Water Resources Commission that is charged with the responsibility
20. of doing exactly the same work that the Kankakee River Commission
21. would do. It's a functioning commission, it's staffed, it's
22. a permanent commission. It's capable of handling anything
23. that the Kankakee River Commission would do. The commission has
24. not been funded. Apparently it can operate without funds
25. as Senator Joyce pointed out that it...it is formed and
26. it's operating. I see no reason to appropriate twenty thousand
27. dollars which would be in excess of what the funding is for
28. the Water Resources Commission. Therefore, I see no need for this
29. appropriation at this time. If there's anything that the
30. Kankakee River Commission would want...merely need to ask the
31. Water Resources Commission, they would respond. Otherwise
32. we would have a separate river commission for each and every
33. river, lake and stream in the State of Illinois and this has been

1. consolidated down into the Water Resources Commission
2. and I believe they can handle it. Therefore, there's no
3. need for the appropriation of twenty thousand dollars,
4. although it is small.

5. PRESIDENT:
6. Senator Joyce...

7. SENATOR JOYCE:
8. Yes, well, Senator...

9. PRESIDENT:
10. ...may close the debate.

11. SENATOR JOYCE:
12. ...Senator Mitchler, I'd be glad to take an amendment
13. to abolish the Water Resources Commission...but I would ask for
14. a favorable roll call.

15. PRESIDENT:
16. Excuse me. Senator Regner did have his light on and
17. Senator Regner may speak and Senator Joyce, you may close if
18. you so wish. Senator Regner.

19. SENATOR REGNER:
20. Just in addition to the various things Senator Mitchler
21. said. The Institute for Environmental Quality also is opposed
22. to this appropriation as an unneeded project and it is
23. an unbudgeted item and I'd urge a No vote.

24. PRESIDENT:
25. Senator Joyce has waived the closing debate. The question
26. is shall Senate Bill 1618 pass. Those in favor will vote Aye.
27. Those opposed will vote Nay. The voting is open. Have all voted
28. who wish? Have all voted who wish? Take the record. On that
29. question the Ayes are 33, the Nays are 23, none Voting Present.
30. Senate Bill 1618 having received the required constitutional
31. majority is declared passed. Senate Bill 1680, Senator Rock.

32. SENATOR ROCK:
33. Thank you. There are two amendments pending, Mr...

1. PRESIDENT:
2. You have amendments on the Secretary's Desk? We could
3. come back when we...
4. SENATOR ROCK:
5. Two amendments are pending on the Secretary's...
6. PRESIDENT:
7. ...get to the end of the call.
8. SENATOR ROCK:
9. Fine.
10. PRESIDENT:
11. Senate Bill 1710, Senator Sangmeister. Read the bill.
12. SECRETARY:
13. Senate Bill 1710.
14. (Secretary reads title of bill)
15. 3rd reading of the bill.
16. PRESIDENT:
17. Senator Sangmeister.
18. SENATOR SANGMEISTER:
19. Mr. President and members of the Senate. This is an
20. appropriation of ten million six hundred thousand dollars
21. which the companion authorization for...for increasing the
22. bonding indebtedness is...is Senate Bill 1687. There
23. was a survey made by the Department of Education, IOE, that
24. there are certain school districts in the State of Illinois
25. that have their back up against the wall and need these
26. additional construction funds and I believe I've checked with the
27. other side of the aisle and I don't think there's any opposition
28. to the bill and would ask for a favorable roll.
29. PRESIDENT:
30. Is there any discussion? If not, the question is...Senator
31. Sommer.
32. SENATOR SOMMER:
33. Mr. President and members. Senator Sangmeister is correct. There

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1. is about...according to Capital Development Board and IOE,
2. about fifteen million dollars of authorizations for these
3. downstate projects that...that has not been committed.
4. These six or seven projects would, in fact, be entitled
5. on the top of the list and that they would be funded anyway
6. under this particular program. So, I frankly can see no
7. objection to doing this.

8. PRESIDENT:

9. Is there any further discussion? If not, the question:
10. is shall Senate Bill 1710 pass. Those in favor will vote
11. Aye. Those opposed will vote Nay. The voting is open.
12. Have all voted who wish? Have all voted who wish? Take
13. the record. On that question the Ayes are 50, the Nays are
14. none, 1 Voting Present. Senate Bill 1710 having received
15. the required constitutional majority is declared passed.
16. Senate Bill 1792, Senator Guidice. Senate Bill 1800, Senator
17. Lane. Senate Bill 1802, Senator Walsh. Senate Bill 1816,
18. Senator Joyce. Senate Bill 1817, Senator Leonard. Senate
19. Bill 1835, Senator Bruce. Senate Bill 1847, Senator Daley.
20. Senate Bill 1850, Senator D'Arco. Read the bill.

21. SECRETARY:

22. Senate Bill 1850.

23. (Secretary reads title of bill)

24. 3rd reading of the bill.

25. PRESIDENT:

26. Senator D'Arco.

27. SENATOR D'ARCO:

28. Thank you, Mr. President. What 1850 does, it amends
29. the group insurance coverage of State employees under the Blue
30. Cross - Blue Shield plan to change the coverage that psychiatric
31. patients had under the Fiscal 1979 plan to make it consistent
32. with what they had in Fiscal 1978. The limits were dropped
33. excessively by the Department of Personnel this year to the point

1. where people were not getting the appropriate psychiatric
2. coverage that they were entitled to and all we're doing in
3. this bill is providing that people will get the appropriate
4. coverage that they had last year, nothing more, nothing less,
5. simply what they were entitled to last year. There was already...
6. Blue Cross - Blue Shield returned eight million dollars
7. to the State Treasury last year and the fiscal impact of this
8. bill was six hundred thousand dollars and all we're suggesting
9. is that people with mental problems be given the same type of
10. treatment that people in other areas of the medical arena
11. are getting in 1979. And with that, I would ask for a favorable
12. vote.

13. PRESIDENT:

14. Is there any discussion? Senator Shapiro.

15. SENATOR SHAPIRO:

16. Will the sponsor yield to a question?

17. PRESIDENT:

18. Indicates he'll yield.

19. SENATOR SHAPIRO:

20. Senator D'Arco, is it because of the amendment that
21. restricts the number of visits . per week at the cost
22. is now less than what...it was was originally?

23. PRESIDENT:

24. Senator D'Arco.

25. SENATOR D'ARCO:

26. Well, the...the amendment not only did that, restrict
27. the number of visits per week, but it also limited the
28. amount of coverage that would be under the bill to the same level
29. of coverage that the psychiatric patient had in the...in the
30. last contract with Blue Cross - Blue Shield. The way the
31. bill was originally drawn without the amendment, I was actually
32. increasing the amount of coverage above Fiscal '78 in
33. Fiscal '79 and I didn't want to do that. All I wanted to do was

1. provide for the same coverage they had last year and the amendment
2. took care of that excess and now we're at the same level that
3. we were last year.

4. PRESIDING OFFICER: (SENATOR ROCK)

5. Senator Bruce.

6. SENATOR BRUCE:

7. Thank you, Mr. Chairman, members of the Senate. I rise
8. in opposition to Senate Bill 1850. Senator D'Arco was certainly
9. correct when he says that he has reduced the cost of this.
10. I have been on the State Employee Group Insurance Commission since
11. its inception in July of 1971 when we began the program in
12. January of 1972. We had some of the most liberalized mental
13. health benefits of any group insurance program in existence
14. in the United States. The Senator wishes to mention that
15. Blue Cross - Blue Shield returned some eight million dollars
16. last year. He forgets to tell you that in the first
17. year of operation with Blue Cross - Blue Shield after having
18. lost five million dollars with the first carrier, they sustained
19. a four million dollar loss the first year, a seven million
20. dollar loss the second year, doubled our rates in the third
21. year and we sustained a thirty-three percent increase in the
22. fourth year. Now, we have had exceptional usage of our mental
23. health coverage. In one year we spent 9.5 million dollars
24. in benefits for mental health care of State employees when we
25. had sixty-one thousand State employees and some twenty
26. thousand university employees. We now have a hundred and twenty-
27. two thousand, we've reduced the cost of that to some 3.2
28. million this year. We signed a contract this year which reduced
29. the cost of coverage of the employees of the State of Illinois.
30. If you tinker around and add these benefits back in, you're
31. going to find the State of Illinois substantially increasing
32. the cost. We have, I think, very liberal benefits within the
33. program. Every State employee in the State of Illinois can
34. visit a psychiatrist once every week for fifty-two weeks of each

1. year and receive care. He can be hospitalized if the doctor
2. feels like it for a total of twenty-five thousand dollars
3. in any year. I would say that if you go out in the industry
4. if you look and try to find those kind of benefits, you won't
5. find them. One visit a week, unlimited cost, twenty-five
6. thousand dollars a year in hospitalization. I think that's
7. as good as we can go. You add this in. We had
8. our actuaries run through the original bill. It will add
9. thirty-two cents per month per employee...you can multiply
10. that times a hundred and twenty-two thousand each month
11. and if we were...1850...if we want to keep it at the level
12. that he wishes, it will cost us thirty-two cents a month,
13. or six hundred and ninety thousand dollars. The bill as
14. introduced would have cost two million six hundred thousand
15. dollars. We just signed a contract at less cost this year,
16. in the coming year than we had in the past year and it seems to me
17. we have gone over it and over it and over it and anytime
18. you increase these mental health benefits, frankly, they are
19. abused. And that is the problem. We try to prevent abuse.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Further discussion? Senator D'Arco may close the debate.

22. SENATOR D'ARCO:

23. Thank you, Mr. President. I would simply say that...in fact
24. I have an article in front of me that says that as of today
25. there are forty million Americans that need some type of
26. psychiatric care in order to get through the day and mental health
27. is one of the most important growing areas of disease in this
28. country. In fact...it's right here. Here's the article.
29. Forty million mentally ill in America. It's not a
30. very pretty picture but it's true. The point that I want to
31. make is that last year we didn't think of restricting
32. this coverage and people need this type of coverage. If we limit
33. it to twenty-five thousand dollars a year, we're actually

1. limiting in-house care, in-patient care in a mental
2. facility, whether private or public, to a hundred and fifty
3. days during the year. Now, if that patient has to be
4. in bed in a facility for longer than that time, there's no
5. way that the mental health coverage will be extended beyond
6. the hundred and fifty odd days. So, he'll have to find
7. some other mechanism to pay for his...his mental health
8. problem. The fact that you're limiting the amount of out-
9. patient care to one day per week doesn't change the
10. amount of coverage of reimbursement that is due
11. for that particular patient's care. It's still twenty-
12. five dollars, no matter what it costs. And the fiscal impact
13. on this bill is far less than was told by us by the department
14. originally. It is somewhere near six hundred thousand dollars.
15. The fact of the matter is Blue Cross did in fact send
16. ...give back to the State Treasury some eight million
17. dollars in excess premiums that it received. The point
18. I'm making is that there's no reason why the people who
19. deserve this type of coverage shouldn't be entitled
20. to it under the present Blue Cross - Blue Shield to
21. the same extent that they were entitled to it in Fiscal
22. '78. The problems are increasing and we can't renege
23. on our responsibilities to State employees. He is talking
24. about the private sector all the time, well I think the
25. public sector deserves as much if not more attention.
26. I would ask for a favorable vote on this bill. I seek
27. your help and I think we would be doing a good service to the
28. people by voting Aye on this bill. Thank you.

29. PRESIDING OFFICER: (SENATOR ROCK)

30. The question is shall Senate Bill 1850 pass. Those in
31. favor will vote Aye. Those opposed will vote Nay. The
32. voting is open. Have all voted who wish? Have all voted
33. who wish? Have all voted who wish? Take the record.
34. Sponsor has requested that further consideration be postponed.

SB 1852
3rd
5/23

1. So ordered. 1852, Senator McMillan. On the Order of Senate
2. Bills, 3rd reading, Senate Bill 1852. Read the bill, Mr.
3. Secretary.

4. SECRETARY:

5. Senate Bill 1852.

6. (Secretary reads title of bill)

7. 3rd reading of the bill.

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Senator McMillan.

10. SENATOR McMILLAN:

11. Thank you, Mr. President, members of the Senate.

12. Last year when the new farm land assessment bill was passed,
13. the purpose of it was to prevent huge increases in assessments

14. for farmland. Its purpose never was to roll back the

15. assessment level of farmland. When we passed the bill last

16. year, we included a provision to provide a one year hold

17. harmless so that in no instance the assessment level of farmland

18. in any county would be rolled back beyond what the assessment

19. level was in 1976. The purpose of this bill is to extend that

20. hold harmless for one additional year. I seek a favorable roll call
21. on 1852.

22. PRESIDING OFFICER: (SENATOR ROCK)

23. Any discussion? Senator Joyce.

24. SENATOR JOYCE:

25. Yes, I completely agree with Senator McMillan that this
26. is a much needed provision, that if we do...do not do this we

27. will have some taxing bodies be...could get hurt with this

28. and I think that we need to do this and that was the purpose
29. of the bill.

30. PRESIDING OFFICER: (SENATOR ROCK)

31. Senator Maragos.

32. SENATOR MARAGOS:

33. I...I don't remember, Senator McMillan, at the time we had

1. this in committee, whether this would be the final
2. year that this step has to be taken because of the extensions
3. by some of these taxing bodies. Could you please explain that
4. to me?

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Senator McMillan.

7. SENATOR McMILLAN:

8. ...could you repeat your question, Senator Maragos?

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Senator...

11. SENATOR McMILLAN:

12. I did not understand what you were asking.

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Senator Maragos.

15. SENATOR MARAGOS:

16. We had a home...a hold harmless clause last year in the
17. original bill that Senator Joyce had. Now, is this going to be the
18. last year we're going to anticipate a hold harmless provision
19. in...of this nature? Are we going...we're not going to
20. continue this ad infinitum are we?

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Senator McMillan.

23. SENATOR McMILLAN:

24. Senator Maragos, I...I really cannot respond other than to
25. say that the situation this year was such that it appeared to
26. be...to be necessary and I certainly can't indicate one way
27. or another what I think the situation is going to be in the
28. future. There was no intention of making that in...indefinite
29. but many of our downstate school systems face some pretty bleak
30. prospects next year and it was absolutely necessary
31. to put it back for the assessment year that we're now in.

32. PRESIDING OFFICER: (SENATOR ROCK)

33. Senator Maragos.

1. SENATOR MARAGOS:

2. Now I can understand your concern but I think they have
3. enough time now and I'm not unsympathetic to the various
4. school districts and the various taxing bodies, but I think
5. it is time now that they...they get their house in order and
6. I think they've had adequate time since the passage of the...
7. of the bill that they should be able to anticipate their
8. needs and requirements and...so we don't have to do this every
9. year. Now, would you agree that's true, Senator Joyce?

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Further discussion? Senator Knuppel.

12. SENATOR KNUPPEL:

13. Well, of course, the only reason I voted for this bill in the
14. first place was my conflict of interest which was showing
15. at that time. I don't think the bill can possibly ever
16. work. I'm going to vote for the extension. I think it was
17. a bad bill when it was put on, Senator Maragos. I think we're
18. going to have to vote these extensions year after
19. year after year. I...I...I feel that at least until we
20. come up with some type of a...of a new school aid formula
21. and make some other changes, I think we're going to have to
22. change the whole direction of our taxation and I think this
23. bill just got ahead of its time and...and I don't think you can
24. count that we're not going to have to do it. I think we're going
25. to have to do it for quite awhile. If you'll look at what's going to
26. happen to the...the...the return; the tax return of some
27. of the smaller school districts such as I have, it's...it's
28. just going to be catastrophic, particularly under the
29. school aid formula as it now exists. And I think unless we get
30. a new school aid formula that will help these schools in rural,
31. sparsely scattered parts of downstate Illinois, yes, we're going to
32. have to extend it because of the major source of their income
33. was farmland and I think that the bill was bad when it passed.

1. It was ahead of its time, as I've said, but I don't think
2. anybody should expect to have this stop. It's just...
3. it's going to have to go on. We can't wish it away. It just
4. wasn't a good bill.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Any further discussion? Senator McMillan may close the
7. debate.

8. SENATOR McMILLAN:

9. Well, I don't have any further comments other...other
10. than to indicate again the purpose of that original bill was not
11. to provide for any rollbacks in this...for the year ahead
12. when we do have a large number of problems. We'll...we'll
13. make sure that that is not the case. And I understand the
14. objections and the questions that were raised by other
15. members of the Senate.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. The question is shall Senate Bill 1852 pass. Those
18. in favor will vote Aye. Those opposed will vote Nay. The
19. voting is open. Have all voted who wish? Have all voted
20. who wish? Take the record. On that question the Ayes are
21. 56, the Nays are none, none Voting Present. Senate Bill 1852
22. having received the required constitutional majority is declared
23. passed. On the Order of Senate Bills, 3rd reading, Senate Bill
24. 1853. Read the bill, Mr. Secretary.

25. SECRETARY:

26. Senate Bill 1853.

27. (Secretary reads title of bill)

28. 3rd reading of the bill.

29. PRESIDING OFFICER: (SENATOR ROCK)

30. Senator McMillan.

31. SENATOR McMILLAN:

32. In most cases, the counties that have farmland and the
33. counties that have needed to implement the farmland assessment bill

1. that we passed last year have done an excellent job. They have
2. gotten to work, they gotten the information that's necessary
3. and they have made the assessments necessary to comply with
4. the law. There have been some counties that have not been one
5. hundred percent cooperative. And there are a few counties
6. which have really drug their feet. The purpose of 1853 is
7. to grant the Department of Local Government Affairs some
8. additional authority to prod counties that are reluctant
9. and not willing to fully implement the farmland assessment
10. law and provide a penalty if after a considerable
11. opportunity to appeal and...and consider it, that county
12. is not implementing the farmland assessment law that we
13. passed last year and the penalty would be that the State,
14. if the Department of Local Government Affairs chooses, may
15. withhold the fifty percent of the salary of the supervisor
16. of assessments in each county and the counties that are
17. involved.

18. PRESIDING OFFICER: (SENATOR ROCK)

19. Is there any discussion? The question is shall Senate
20. Bill 18...I beg your pardon. Senator Hynes.

21. SENATOR HYNES:

22. No, it doesn't. I...I simply think this is a bad
23. ... a bad, bad precedent and a bad idea.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. The question is shall Senate Bill...Senator Hickey.

26. SENATOR HICKEY:

27. Thank you, Mr. President. I'd like to ask the sponsor a
28. question.

29. PRESIDING OFFICER: (SENATOR ROCK)

30. Sponsor indicates he will yield. Senator Hickey.

31. SENATOR HICKEY:

32. What if DLGA discovers that it's the Board of Review's
33. fault that the thing hasn't gone right? Does the supervisor of

1. assessment still lose fifty percent of his salary?
2. PRESIDING OFFICER: (SENATOR ROCK)
3. Senator McMillan.
4. SENATOR McMILLAN:
5. There is ample statement in the bill of various
6. appeal procedures and administrative review procedures that
7. ...that are involved and I presume if a supervisor of
8. assessment is...his salary is unduly held up, he would have
9. ample opportunity through the courts for redress.
10. PRESIDING OFFICER: (SENATOR ROCK)
11. Senator Hickey.
12. SENATOR HICKEY:
13. I...Senator McMillan, if...is there anything in the bill
14. about the county board having to concur before this is done?
15. Is there any kind of local safeguard for compliance?
16. PRESIDING OFFICER: (SENATOR ROCK)
17. Senator McMillan.
18. SENATOR McMILLAN:
19. In response to your question, as I understand the way that
20. the funding is done, the supervisor of assessments is
21. paid by the county board and that funding from the State goes
22. to the county board in a reimbursement basis and so if the
23. county board refused to...to make the penalties stick, why they
24. could go ahead and pay the supervisor. u
25. PRESIDING OFFICER: (SENATOR ROCK)
26. Senator Hickey.
27. SENATOR HICKEY:
28. But there isn't anything written into it which says
29. that this will only be done by ordinance by the county board?
30. PRESIDING OFFICER: (SENATOR ROCK)
31. Senator McMillan.
32. SENATOR McMILLAN:
33. You are right, there is nothing that says that it would only

1. be done by ordinance of the county board.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. Further discussion? Senator Harber Hall.

4. SENATOR HARBER HALL:

5. Well, Mr. President and fellow Senators. I opposed in
6. committee this particular bill as did several other members
7. on the committee and I will explain why. To me, this would
8. be another major step in putting all assessment procedures
9. in the hands of a...a State department, that is to say
10. that they would eventually be responsible for all assessments
11. of State property. In my view they cannot do this as
12. efficiently and properly as the local assessing officials,
13. to give them the power to withhold salaries of local
14. supervisors of assessments and...and assessment supervisors,
15. seems to me to be a completely void of any rational
16. argument. I think if we do it in the case of supervisors of
17. assessments who are paid entirely by local funds, that...
18. or they assessors, the township assessors who are paid entirely
19. by local funds that we should do it with many other
20. officials, including county highway and township highway
21. authorities. I...I don't think this bill is necessary. To say
22. that the State are the only ones who can determine the fair
23. value of property is absolutely asinine. They have never
24. been able to do it correctly or any better. The fact is they
25. do use statistics to show something, show what average farmland
26. values are bringing and are but they can't do it any better
27. because when shown that they were at one time considering
28. five acre parcels, for example, as farmland as examples of fair
29. market value of all farmland, we had to point that out to
30. them that these small sales of farmland were erroneously
31. affecting their sales reports. So, I don't think they can do
32. any better and I would hope that we can kill this bill.

33. PRESIDING OFFICER: (SENATOR ROCK)

1. Senator Knuppel.

2. SENATOR KNUPPEL:

3. Well, this...this bill kind of reminds me of the father
4. who catches his son smoking pot so he says, now son, we're
5. going to sit down and cure you of this habit, you're just
6. going to sit here and smoke pot until you get sick. You know,
7. this is a...this whole farmland bill, these people
8. down there can see what's happening, they know what's
9. happening, they know it's a bad bill, they know it's an
10. unenforceable bill, they know we've got to come up with a
11. completely reorganized method of financing education and
12. to say that they're going to force them to do it, and my mother
13. used to tell me you can choke a cat to death even on sweet
14. cream.

15. PRESIDING OFFICER: (SENATOR ROCK)

16. Further discussion? Senator Maragos. Any further
17. discussion? Senator McMillan may close the debate.

18. SENATOR McMILLAN:

19. Well, a large number of things which have been
20. mentioned, I can't argue with. But there are a couple of
21. statements that have been made that aren't true. Number one,
22. Senator Hall, you've indicated that this would...would allow
23. the State to take away the salaries of local assessors. That's
24. absolutely not what the bill does. The only authority that the
25. State would have would be to hold up payment of that part of the
26. supervisor of assessment's salary which the State...State
27. provides and I think we should...should be clear that that's what
28. we're talking. I certainly in no circumstance, could support
29. the kind of thing which you have objected to.

30. PRESIDING OFFICER: (SENATOR ROCK)

31. The question is shall Senate Bill 1853 pass. Those
32. in favor will vote Aye. Those opposed will vote Nay.
33. The voting is open. Have all voted who wish? Have all voted

1. who wish? Take the record. Sponsor has requested that further
2. consideration be postponed. So ordered. On the Order of Senate
3. Bills, 3rd reading, Senate Bill 1857. Senator Glass, you wish
4. that...on the Order of Senate Bills, 3rd reading, Senate Bill
5. 1857. Read the bill, Mr. Secretary.

6. SECRETARY:

7. Senate Bill 1857.

8. (Secretary reads title of bill)

9. 3rd reading of the bill.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Senator Glass.

12. SENATOR GLASS:

13. Thank you, Mr. President, Senators. Senate Bill 1857
14. would in effect take two agencies and combine them for
15. greater efficiency of operation. It would take the Illinois
16. Educational Facilities Authority and the Illinois Health
17. Facilities Authority and replace them with a single authority.
18. Their functions are virtually identical. The Health Facilities
19. Authority markets revenue bonds for new health facilities, thereby
20. enabling them to be tax exempt and saving interest costs
21. to the private health authorities...facilities whereas the
22. Educational Facilities Authority does the same thing for
23. private educational institutions. I think it's a...a good
24. concept. As I've indicated, it would avoid some duplication of
25. staff. It would make the bonds sold by the authorities easier
26. for investors to analyze because there would be a single
27. authority responsible for both bond sales and it would make it
28. easier also to coordinate the timing of bond issues and
29. avoid possible competition between similar issues possessing an
30. Illinois home. I'd be glad to answer any questions and I
31. urge a favorable roll call.

32. PRESIDING OFFICER: (SENATOR ROCK)

33. Is there any discussion? Senator Maragos.

1. SENATOR MARAGOS:
2. Mr. President, will the sponsor yield to a question?
3. PRESIDING OFFICER: (SENATOR ROCK)
4. Indicates he will yield. Senator Maragos.
5. SENATOR MARAGOS:
6. Senator Glass, could you give me any...give us any
7. information as to what amount of bonding authority the
8. Illinois Educational Authority has now...Facilities
9. Authority has now as compared to that of the Hospital Authorities?
10. PRESIDING OFFICER: (SENATOR ROCK)
11. Senator Glass.
12. SENATOR GLASS:
13. Well, I don't know that I can, Senator. I'm sorry. I
14. don't think I have the figures on the Bonding Authority that each
15. ...each of these agencies now has. I do know that the Health
16. Facilities Authority is the larger authority and it has five
17. full-time staff whereas Educational Authority has only one
18. part-time.
19. PRESIDING OFFICER: (SENATOR ROCK)
20. Senator Maragos,
21. SENATOR MARAGOS:
22. That is my concern, Mr. President and members of the Senate.
23. I have another question. Is it a fact that the budgets are
24. much greater...the Health Facilities is much greater than that
25. of the Educational Facilities Authority?
26. PRESIDING OFFICER: (SENATOR ROCK)
27. Senator Glass.
28. SENATOR GLASS:
29. Well, I think it is greater, yes. It's...I think the
30. answer to that would be yes.
31. PRESIDING OFFICER: (SENATOR ROCK)
32. Senator Maragos.
33. SENATOR MARAGOS:

1. Mr. Speaker, I'm going to vote Present on this particular
2. issue because of the fact that I think this is the big whale
3. swallowing the small one...small fish in the pond or the ocean,
4. wherever a whale travels, and would like to say this, if we do
5. do this we're going to really in many a way, erode whatever
6. good the Illinois Educational Facilities Authority has been
7. doing for the State of Illinois. Personally, I've had the
8. experience to work with that particular authority in the
9. last year involving a private school in northern Illinois and
10. I found that they wanted more additional...additional
11. powers to do many things and now I think by putting them into
12. this...to this...combine with the other agency, their powers
13. will be limited because their powers are going to be eroded and
14. the budgeting and the Capital Development bonding power that they
15. may have at the present time will be further eroded. Therefore,
16. I'm going to vote Present on this and I think we should look
17. at this very carefully before we vote on it.

18. PRESIDING OFFICER: (SENATOR ROCK)

19. Further discussion? Senator Berman.

20. SENATOR BERMAN:

21. Will the sponsor yield?

22. PRESIDING OFFICER: (SENATOR ROCK)

23. Sponsor indicates he will yield. Senator Berman.

24. SENATOR BERMAN:

25. Senator Glass, what is the process for transition between
26. the existing members of the two boards and the new board
27. that's envisioned by this bill?

28. PRESIDING OFFICER: (SENATOR ROCK)

29. Senator Glass.

30. SENATOR GLASS:

31. Senator Berman, the...the transition would be the creation of
32. a new authority effective the first of next year. If the bill
33. passes, the Governor's intention I am advised from good authority, is

1. to make appointments to this new authority rapidly, thereby
2. providing an ample transition period from the time the bill
3. is effective until January 1st so that the transfer can
4. occur smoothly.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Senator Berman.

7. SENATOR BERMAN:

8. Well, on the bill, Mr. President, I stand in opposition to
9. this bill. You have two existing authorities, Ladies and
10. Gentlemen, that have been doing...that have been trying to do
11. a credible job. The Health Facilities Authority in particular,
12. has done an outstanding job and is one of the recognized
13. expert authorities in the nation in the issuance of bonds
14. and the construction of health facilities. The bonds that
15. this authority has issued, is issued at one of the lowest
16. rates of any such authority in the country. What we are doing
17. here is allowing the administration by the passage of this bill,
18. to immediately fire and discharge the members and staffs of both
19. of these authorities and allow the incumbent Governor
20. to supplant good working, hard working, efficient and economical
21. authorities with untried and untested new staffs and new
22. board members. Nothing, nothing in committee or nothing on the
23. Floor of this Senate has come to our attention to justify
24. dismissing the existing board members of these authorities,
25. firing their staffs and replacing them. This is an out and out
26. power grab. It will eliminate and dismiss hard working board
27. members and staffs of both authorities and I stand up in
28. vigorous opposition to this power grab in very critical areas
29. of both the Health Facilities Planning Authority and the
30. Educational Facilities Authority.

31.

32.

33.

End of reel.

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Further discussion? Senator Bruce.

3. SENATOR BRUCE:

4. Thank you, Mr. President and members of the Senate. I rise
5. in opposition to the bill. It appears to me from the testimony
6. that was...listed in committee that is put forth in the file
7. that this bill would become effective on July and in between
8. July and January the 1st. It is unclear as to who is going to
9. have the authority to accept revenues, have this in operation.
10. In addition the expertise that has been developed in these two
11. separate and distinct fields as mentioned by Senator Maragos
12. and Berman we would lose. There are seven members of each of
13. the board. One in health and one in education. I see that I...
14. really see no similarity between the two boards. I'm also quite
15. concerned by Senator Berman's last comment. There are fourteen
16. members. There are staffs on both of these commissions. They have
17. developed expertise and now the Governor would like to appoint
18. all seven of these members immediately. It seems to me to be
19. inappropriate. There are fourteen members who have worked for
20. the State of Illinois. They have done...their jobs and now we
21. throw them out so that one Governor can appoint all seven members
22. of a very important commission and the two commissions...in...and
23. of themselves are extremely important particularly as it relates
24. to health facilities. I've had some dealings with those people.
25. They are subject to pressures from time to time and I think it
26. would be inappropriate for any Governor to make all seven appoint-
27. ments at this particular time. I rise in opposition to the
28. legislation.

29. PRESIDING OFFICER: (SENATOR ROCK)

30. Further discussion? Senator Hynes.

31. SENATOR HYNES:

32. I, too, Mr. President would rise in opposition to this bill.
33. In addition to all the...the problems of transition the questions

1. about bonding and all the other commentaries that...that have
2. been made. I have yet to see one substantial reason why anything
3. on the plus side would come out of this legislation. It doesn't
4. seem to me that the case has been made that a better job will be
5. done in either of these areas under a combined authority than it
6. would be under a...under separate authorities. Generally speaking,
7. consolidation is a desirable thing. In this case I cannot see any
8. justification for it and I simply don't think we ought to pass
9. the bill without having the justification and I would oppose it.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Further discussion? Senator Grotberg.

12. SENATOR GROTEBERG:

13. Thank you, Mr. President. I think...I think I've just gone
14. deaf or crazy or something. We're talking about a half staff
15. being integrated into a staff of six or seven on two major
16. authorities. Allegations were made that...that great bond
17. rating. I think that has something to do with the faith and
18. credit and the bond rating of the State of Illinois. Then I
19. understand that our Governor may make a power grab to get that
20. half a job. I can't even get one full time job in any of my
21. five counties. I think our Governor given his track record has
22. been very generous to both parties of this State as far as...as
23. knocking out Democrats and putting in Republicans and vice versa.
24. The whole argument so far has been speeches. I...I think I'll
25. put a gun to my head or vote yes. I think you've all gone nuts.
26. Let's pass the bill and get...if we can't get that much start on
27. merging something for a half a job we don't even deserve to be
28. here.

29. PRESIDING OFFICER: (SENATOR ROCK)

30. Any further discussion? Senator Hickey.

31. SENATOR HICKEY:

32. Thank you, Mr. Chairman...Mr. President. I...I wasn't here
33. for this discussion and if I'm asking for something that's already

1. been said I apologize but will this help to put any teeth in
2. health facility planning in Illinois?

3. PRESIDING OFFICER: (SENATOR ROCK)

4. Senator Glass.

5. SENATOR GLASS:

6. Senator Hickey, the...the bill is...is relatively simple.
7. It will combine two authorities. The only function of which is
8. to sell revenue bonds. They both do virtually the same thing
9. except that the health facility...authority sells the revenue
10. bonds...the revenue then is collected from the users of the
11. health facility and pays off the revenue bonds. The educational
12. facilities...authority does the same thing for educational
13. facilities. That's all that's involved.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Senator Hickey.

16. SENATOR HICKEY:

17. So the answer is no? Thank you.

18. PRESIDING OFFICER: (SENATOR ROCK)

19. Further discussion? Senator Berning. Senator Hall. Wait a
20. minute. Senator Hall, can you move just a little ways right or
21. left? Senator Berning.

22. SENATOR BERNING:

23. Thank you, Mr. President. It just seems appropriate, Mr.
24. President and members of the Senate, to observe that candidate
25. James Thompson campaigned extensively throughout the State of
26. Illinois on several issues, one of them being a consolidation
27. and simplification and streamlining of State Government. I point
28. out to you that his endorsement by the electorate seems to endorse
29. his objectives and this then is an implementation of part of one
30. of those promises.

31. PRESIDING OFFICER: (SENATOR ROCK)

32. Any further discussion? Senator Glass may close the debate.

33. SENATOR GLASS:

1. Thank you, Mr. President and Ladies and Gentlemen. I...I
2. have to concur with Senator Grotberg that I've heard some of the
3. most specious arguments ever presented on the Floor of the Senate
4. against this legislation. As far as I was able to determine in
5. the process of hearing the bill the only opponents to it were
6. the members of the two authorities who would...who would be
7. losing their appointive jobs but as a matter of fact, this
8. legislation would consolidate two agencies that do exactly the
9. same thing but for one for health facilities and the other for
10. educational facilities. Clearly there would be savings of money
11. through smaller staffs and...and consolidation of functions. It
12. is a consolidation effort. I think any time you have a sunset
13. piece of legislation or a piece of legislation that would phase
14. out some agency of Government you're going to hear cries from
15. the people who are being phased out. That's all that's been
16. happening here. That's all that we've heard in opposition. To
17. repeat the function of the two authorities which is virtually
18. identical is the sale of revenue bonds for the construction of
19. facilities. The expertise that is available and it has been
20. developed within these authorities would be preserved in the
21. new authority. It's good legislation. It's for streamlining
22. of Government and I would certainly ask for your support and
23. urge an Aye vote.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. The question is, shall Senate Bill 1857 pass. Those in
26. favor will vote Aye. Those opposed will vote Nay. The voting
27. is open. Senator Egan, will you vote me No please. Have all
28. voted who wish? Have all voted who wish? Have all voted who
29. wish? Take the record. The sponsor has requested that further
30. consideration be postponed. So ordered. Senator Lane. All
31. right, Gentlemen, we have...we have five bills at least on the
32. Order of 3rd reading that the sponsors have indicated they wish
33. recalled for the purpose of amendment. With leave of the Body

1. we'll go to that order of business and then proceed to Senate
2. bills, 2nd reading. Senator Regner, are you ready on 1523?
3. On the Order of Senate Bills, 3rd reading, Senate Bill 1523.
4. Senator Regner seeks leave of this Body to bring Senate Bill
5. 1523 back to the Order of 2nd reading for the purpose of an
6. amendment. Is leave granted? On the Order of Senate Bills, 2nd
7. reading, Senate Bill 1523.

8. SECRETARY:

9. Amendment No. 4 offered by Senator Regner...Senator Weaver.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Senator Weaver.

12. SENATOR WEAVER:

13. Thank you, Mr. President. Amendment No. 4 to Senate Bill
14. 1523 breaks out the salary of the executive director of ISSC
15. and it reduces his salary from fifty-one thousand nine hundred
16. and ninety-six dollars to thirty-seven thousand. A reduction of
17. fourteen thousand nine hundred and ninety-six dollars in General
18. Revenue Funds and I'd move its adoption.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Is there any discussion? Senator Buzbee.

21. SENATOR BUZBEE:

22. Mr. President, Senator Weaver and I from time to time have
23. our disagreements about various pieces of legislation. Some of
24. it as it pertains to higher education but this is one where I
25. am most happy to join him in support. We have seen this
26. independent commission see fit to give their executive director
27. where he has a total of about seventy full time employees and
28. thirty or forty part time employees he now makes more money than
29. the Governor of this State and I told him and when his bill was
30. before our Appropriations Committee that I did not approve of
31. that I strongly disapproved of it. We have passed legislation
32. in the past telling him where to locate his principal offices.
33. He has ignored and refused to do that. He has an office in

1. Springfield now where we told him to locate. There are a total of
2. three employees there. He continues to keep the main office in
3. Deerfield even though we put legislation on the books about four
4. or five years ago telling him to move his office to Springfield
5. and Chicago. He's a...a paper shuffler. He's a good one...good
6. paper shuffler but you can get...good paper shufflers for a lot
7. less money than fifty-one thousand dollars a year and so I join
8. Senator Weaver in his desire to bring this salary down to some-
9. thing more in line with what a good paper shuffler ought to make
10. and that is thirty-seven thousand dollars a year. It's a good
11. amendment Senator Weaver.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Further discussion? Senator Hickey.

14. SENATOR HICKEY:

15. Thank you, Mr. President. I'd like to ask the sponsor a
16. question.

17. PRESIDING OFFICER: (SENATOR ROCK)

18. Indicates he will yield. Senator Hickey.

19. SENATOR HICKEY:

20. Senator Weaver, can...can you give us the progression of
21. buildup to this present salary of fifty-two that it is? What
22. was it last year? What was it the year before? Where...that is
23. how many years back are we taking him if we take...if we give him
24. the thirty-seven?

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Weaver.

27. SENATOR WEAVER:

28. Last year, Senator Hickey, his salary was forty-four thousand
29. dollars. This year fifty-one thousand nine hundred and ninety-
30. six dollars. Almost fifty-two thousand dollars a year.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senator Hickey.

33. SENATOR HICKEY:

1. PRESIDING OFFICER: (SENATOR BRUCE)
2. May we have some order...
3. SENATOR WEAVER:
4. That's a thousand dollars a week here.
5. PRESIDING OFFICER: (SENATOR BRUCE)
6. Senator Hickey.
7. SENATOR HICKEY:
8. Can...can you tell us in what year we would be taking him
9. back to if we take it to thirty-seven? What was it before forty-
10. four?
11. PRESIDING OFFICER: (SENATOR BRUCE)
12. Senator Weaver.
13. SENATOR WEAVER:
14. Well I think that's irrelevant. I don't know. I can't
15. answer your question but, you know, this is just a small operation.
16. I wouldn't call him a paper shuffler, actually, but he certainly
17. sets no policy. He directs a staff of seventy and I think we
18. could find somebody to do it for twenty-five thousand.
19. PRESIDING OFFICER: (SENATOR BRUCE)
20. Senator Hickey.
21. SENATOR HICKEY:
22. Well, I...I'm not sure about that, Senator Weaver, but I...
23. I do think we should know where or you know, what...what point
24. in time we're taking him back to as we didn't do it...is we're
25. not just taking him back to last year we're taking him back how
26. many more years? That's what I'd like to know.
27. PRESIDING OFFICER: (SENATOR BRUCE)
28. Senator Weaver.
29. SENATOR WEAVER:
30. Senator Hickey, as I said I can't answer what I know that
31. they've progressively raised his salaries over the years. I
32. suppose it's ten percent a year, twenty percent a year. He's
33. about up to retirement so, you know, give the old boy a shot and

1. get retired on fifty-two thousand a year.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Walsh.

4. SENATOR WALSH:

5. Senator Weaver, a question. Who sets the salary for the

6. executive director?

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator Weaver.

9. SENATOR WEAVER:

10. The board, Senator.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator Walsh.

13. SENATOR WALSH:

14. Well then the...that's the Scholarship Commission...right...

15. that's appointed by the...appointed by the Governor and I'm...I'm

16. sure that's one in which we confirm his appointments and I don't

17. happen to recall what the appropriation is this year to the

18. Scholarship Commission. Do you know what the amount of the...

19. PRESIDING OFFICER:(SENATOR BRUCE)

20. Senator Weaver. I think Senator Regner is...

21. SENATOR WEAVER:

22. I think the...

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. ...for you in just a second.

25. SENATOR WEAVER:

26. ...total appropriation is a hundred and one million four

27. hundred and ninety-one thousand.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Walsh.

30. SENATOR WALSH:

31. Well, I...I happen to know the gentleman in question and he

32. has a somewhat unpoplar job because he has to say no to...to a

33. great many applicants because as...as the membership knows, I believe,

1. the...the hundred plus million that the commission has
2. appropriated to it just doesn't go as far as the applications
3. that are submitted to the commission. So many people are
4. disappointed and those disappointments are conveyed to the
5. members of the Legislature. I wouldn't call him a paper
6. shuffler if he has responsibility as the executive director
7. for distributing a hundred plus million dollars. Well, it's
8. three million dollars in operations but we're talking about
9. the grants. That's...that's where the gripe is. It's how
10. are these grants distributed to the applicants. I, personally,
11. think that this commission has done a commendable job and I
12. think Doctor Boyd has done a commendable job in making these
13. distributions and it, of course, has been a boom to the private
14. colleges and universities in this State. I'm...I'm a little
15. disappointed that Senators Weaver and Buzbee representing the
16. two largest universities, public universities that is, in the
17. State see fit to...to introduce this amendment. Now I don't
18. know what his salary should be and maybe the commission has
19. run, you know, a little bit beyond its bounds in recommending
20. an increase from forty-four to fifty-one. Maybe there should
21. be no increase but I don't believe there should be a decrease
22. and for that reason, Mr. President and members of the Senate,
23. I intend to vote no.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Is there further discussion? Senator Mitchler.

26. SENATOR MITCHLER:

27. Mr. President and members of the Senate. I believe this is
28. focused attention on something that I think that all members of
29. this Senate should take a good look at. Now you know the...you
30. know only too well the criticism that members of the Illinois
31. General Assembly get for anybody speaking out that there is a
32. thought of a salary increase for members of the General Assembly.
33. You know how the press tears you apart but you know there's a

1. thing that could be...called the very quiet salary increases and
2. where these occur are in the various bureaucratic agencies of our
3. State Government. I'm very serious about this. Some of the very
4. commissions that I serve on I'm just embarrassed to see public
5. and a few of the legislative members but a lot of the public
6. members how they like to spend the taxpayers money by increasing
7. these executive directors and...and executive secretaries on the
8. commissions. I could cite you a commission that has nothing but
9. one secretary and the executive director in the office. He's
10. drawing twenty-eight thousand dollars a year on a forty thousand
11. dollar appropriation for the commission. It's absolutely
12. ridiculous. A few years ago...about three years ago he was making
13. sixteen thousand working for a State agency. Now for the Director
14. of the State Scholarship Commission to be making fifty-one thousand
15. dollars...a thousand dollars or more more than the Governor of this
16. great State of Illinois is absolutely ridiculous. Now he's not a
17. paper shuffler, he's a very competent individual but we don't
18. have to pay someone to be a competent...individual to administer
19. an agency, a bureaucratic agency within State Government that
20. gets more than the Governor. Now I saw some commissions go
21. through here. We approved their appropriation today. I was
22. going to raise the question then. I don't like to be nit-picking
23. and I...I know a lot of times I...I get that illusion and...and
24. people think I do but there's exorbitant increases and know it
25. if you sit on these commissions where they just pass four or five
26. thousand dollar salary increases per year and you know where they
27. are and you're going to find out where they're at because I'm
28. having the Legislative Council have a investigation and bring out
29. a report on them. But this salary should be reduced. It should
30. not be more than the Governor of this State and that's what the
31. people are appalled about. This bureaucracy that's strangling them
32. to death with their taxation, not only here but in local government
33. too. You know your county officials told you that the non-elected

1. people in county government get far greater salaries than the
2. elected people and the same is true in State Government. The
3. staff that are surrounding you probably make anywhere from five
4. to ten thousand dollars more than you do. Take a good look at...
5. Thank you.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Thank you. Senator Nimrod.

8. SENATOR NIMROD:

9. Mr. President, a point of personal privilege. I happened to
10. notice a gentleman I was at a banquet with this weekend...

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Pardon me. Senator...Senator...Senator...

13. SENATOR NIMROD:

14. ...one of our former colleagues...

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. ...Senator...Senator...well...

17. SENATOR NIMROD:

18. ...Senator Marshall Korschak and we recognized one of our
19. Senators.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Certainly happy to have Senator Korschak here. Senator
22. Carroll, for what purpose do you arise?

23. SENATOR CARROLL:

24. We were awaiting the end of this bill in compliance with
25. our rules to make that announcement, Senator Nimrod, but it's
26. with great pleasure that we have with us certain members who
27. have served in the Senate for quite some time, Senator Cherry
28. and Senator Korschak who are distinguished elder statesmen of
29. our society. I might add that Senator Korschak gave me this
30. cigar with the admonition that I not light it, not out of sense
31. of ecology but because they last longer that way and we would
32. like to appreciate your presence with us today.

33. PRESIDING OFFICER: (SENATOR BRUCE)

S.B. 1680
5-23-78

1. Senator Regner.
2. SENATOR REGNER:
3. ...Mr. President and members of the Senate, I'm the sponsor
4. of Senate Bill 1523 and I'm in full accord with Senator Weaver's
5. Amendment and I think it should be adopted.
6. PRESIDING OFFICER: (SENATOR BRUCE)
7. Is there further discussion? Senator Regner moves the
8. adoption of Amendment No. 4. All in favor say Aye. Opposed Nay.
9. The Ayes have it. The amendment is adopted. Further amendments,
10. Mr. Secretary?
11. SECRETARY:
12. Floor Amendment No. 5 offered by Senator Regner.
13. PRESIDING OFFICER: (SENATOR BRUCE)
14. (Machine cutoff) has been withdrawn.
15. SECRETARY:
16. No further amendments.
17. PRESIDING OFFICER: (SENATOR BRUCE)
18. 3rd reading. Senate Bill 1680. Senator Rock asks leave to
19. return the Senate Bill 1680 to the Order of 2nd reading. Is there
20. leave? Leave is granted. The bill is on the Order of 2nd reading.
21. Amendments, Mr. Secretary.
22. SECRETARY:
23. Amendment No. 2 offered by Senator Rhoads.
24. PRESIDING OFFICER: (SENATOR BRUCE)
25. Senator Rhoads is recognized.
26. SENATOR RHOADS:
27. Senator Rock, do we need to Table the Committee Amendment?
28. Senator Rock, just nod your head. Do we need to Table the
29. Committee Amendment? I move to Table the Committee Amendment.
30. PRESIDING OFFICER: (SENATOR BRUCE)
31. Senator Rhoads moves to reconsider the vote by which Amendment
32. No. 1 was adopted. All in favor say Aye. Opposed Nay. The Ayes
33. have it and the vote by which that amendment was adopted is

1. reconsidered. Senator Rhoads now moves to Table Amendment No. 1.
2. Is there discussion? All in favor say Aye. Opposed Nay. The
3. Ayes have it. Amendment No. 1 is Tabled. Amendment No. 2.
4. SECRETARY:
5. Amendment No. 2 by Senator Rhoads.
6. PRESIDING OFFICER: (SENATOR BRUCE)
7. Senator Rhoads.
8. SENATOR RHOADS:
9. Thank you, Mr. President and members of the Senate...
10. PRESIDING OFFICER: (SENATOR BRUCE)
11. Excuse me, Senator Rhoads...may we have some order. Senator
12. Rhoads.
13. SENATOR RHOADS:
14. The purpose of Senate Bill 1680 as originally introduced by
15. Senator Rock was to meet the objections of the...of some people
16. who felt that party placement on the ballot was not being conducted
17. in a...a proper way. Senator Sangmeister had brought a court case
18. in Will and DuPage Counties which was later consolidated. This
19. amendment provides that the two established political parties will
20. have their position on the ballot determined by a...a fair and
21. impartial method. The amendment that I'm offering is the same
22. amendment that Senator Rock had with only one exception and that
23. is that I added three words on line 19...those three words were
24. of random selection. I think it's a good amendment and I offer
25. its adoption.
26. PRESIDING OFFICER: (SENATOR BRUCE)
27. Is there discussion? Senator Rock.
28. SENATOR ROCK:
29. Thank you, Mr. President and Ladies and Gentlemen of the
30. Senate. I rise in support of Amendment No. 2. I have discussed
31. this at length with Senator Rhoads to allay the fears of the
32. membership especially those who are vitally concerned. The bill
33. as introduced would have called for the placement of the political

1. parties on the top or the first spot on the ballot respectively
2. in alignment with the politics or political persuasion of their
3. respective county clerks. That met with some opposition I might
4. add so we have now said that the placement will be determined by
5. a fair and impartial method and Senator Rhoads has rightfully
6. added by random selection. I would urge the adoption of Amendment
7. No. 2.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. You've heard the motion. Is there further discussion? All
10. in favor say Aye. Opposed Nay. The Ayes have it. The amendment
11. is adopted. Further amendments?

12. SECRETARY:

13. Amendment...Amendment No. 3 offered by Senator Leonard.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senator Leonard.

16. SENATOR LEONARD:

17. Mr. President, this allows clustering of precincts in counties
18. that have electronic voting. It presently is possible to do this
19. in counties that have mechanical voting and for the past election
20. we have done this in Lake County. It is a system that we find
21. efficient. It has saved our particular county about a hundred
22. thousand dollars. There apparently is some questions as to whether
23. the law allows both mechanical and electronic voting and this
24. amendment would allow counties that wished who have the electronic
25. system to cluster precincts as counties can who have mechanical
26. systems and I ask its adoption.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Leonard moves the adoption...Is there discussion?

29. Senator Rhoads.

30. SENATOR RHOADS:

31. Thank you, Mr. President and members of the Senate. I rise
32. in opposition to Amendment No. 3. This amendment is identical to
33. one which was offered by Representative Matijevich in the House to

1. House Bill 2837. It does indeed provide for the clustering
2. of precincts and forms what is called a clustered voting zone.
3. It, in effect, provides for a super precinct of up to four
4. precincts. Now while I might not have any objection to the
5. clustering of the physical polling place facility which is
6. necessary in some cases. What the Clerk of Lake County did
7. in the last election went well beyond that. She sought to give
8. all election judges assigned to each of those precincts general
9. supervision over the new super precinct or clustered voting
10. zone. That type of commingling of election judges from precinct
11. to precinct is I think a dangerous precedent and one which...could
12. cause a great deal of mischief. I oppose Amendment No. 3.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Further discussion? Senator Schaffer.

15. SENATOR SCHAFFER:

16. Well the question comes to mind if Lake County is already
17. doing this why do we need the bill or this amendment?

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Leonard.

20. SENATOR LEONARD:

21. After it was done and I might say at the direction of a
22. Republican County Board, a Democratic County Clerk implemented
23. it there then was a question as to whether the law allowed counties
24. to proceed as such and so I'm asking that it become a matter of
25. Statute and clear it up. I certainly am not for commingling...don't
26. ...and I'm not trying to introduce a sexy bill here or anything.
27. The...the bill provides that the judges come from all of the
28. precincts involved that all of the precincts are represented. That
29. the parties are reflected in the judges that are selected and I...I'm
30. not sure why there would be any danger in using the judges as judges
31. of the precinct as...of the precinct place as opposed to judges
32. of four separate precincts. I'm not sure what the danger would be
33. here. I don't see any. Yes.

1. PRESIDING OFFICER: (SENATOR BRUCE)
2. Senator Schaffer.
3. SENATOR SCHAFFER:
4. Well that...that intrigues me. I think that's what I've
5. been led to believe. I can tell you as someone who borders Lake
6. County I'm not sure exactly what they did in the Primary but we
7. could hear the howls all the way into Boone County from the
8. voters and this concept bothers me because I think it disenfranchises
9. voters and I think any time we make it more difficult for people to
10. vote by moving a polling place out of their precinct and conceivably
11. if you think about four precincts you could move it ten miles from
12. their home. I think this is a mistake. I think in this day and
13. age particularly in view of the concept that we have adopted of
14. consolidation of election we need to do everything we can to make
15. it easier for people to vote not harder and I think this a...a long
16. step in the wrong direction.
17. PRESIDING OFFICER: (SENATOR BRUCE)
18. All right. I have the following Senators who sought recognition.
19. Senators Philip, Grotberg, Joyce and Graham. Senator Philip.
20. SENATOR PHILIP:
21. Will the sponsor yield for a question?
22. PRESIDING OFFICER: (SENATOR BRUCE)
23. Indicates he will yield.
24. SENATOR PHILIP:
25. Yes, Senator Leonard, up to how many precincts can you so-
26. call commingle? Senator Leonard, hello there.
27. PRESIDING OFFICER: (SENATOR BRUCE)
28. Senator Leonard.
29. SENATOR PHILIP:
30. I think...repeat the question, Mr. President.
31. PRESIDING OFFICER: (SENATOR BRUCE)
32. All right.
33. SENATOR PHILIP:

1. Up to how many precincts can you commingle under your
2. amendment?
3. PRESIDING OFFICER: (SENATOR BRUCE)
4. Senator Leonard.
5. SENATOR LEONARD:
6. Four precincets.
7. PRESIDING OFFICER: (SENATOR BRUCE)
8. Senator Philip.
9. SENATOR PHILIP:
10. Let me ask you this question. In Lake County how many
11. precincts did they commingle at the last Primary?
12. PRESIDING OFFICER: (SENATOR BRUCE)
13. Senator Leonard.
14. SENATOR LEONARD:
15. They clustered them in groups of four. What happens is you
16. end up with polling places being schools, gymnasiums...that's...
17. that was what was in our particular precinct. We ended up actually
18. with more free area than we did when we had rent garages, filling
19. stations and one thing and another but groups of four and I'm not
20. sure how many precincts we had but you divide it by four and that's
21. how many polling places we ended up with this...this time.
22. PRESIDING OFFICER: (SENATOR BRUCE)
23. Senator Philip.
24. SENATOR PHILIP:
25. So...so in other words the whole county was commingled. Let
26. me ask you this question. You commingle...what was the Primary
27. turnout this year versus the previous Primary?
28. PRESIDING OFFICER: (SENATOR BRUCE)
29. Senator Leonard.
30. SENATOR LEONARD:
31. As it was throughout the rest of the State it was low. I
32. don't know if commingling gives you problems or not. I didn't
33. realize that there would be members that had sort of an attachment

1. to that phrase but, you know, if...I think if that is your problem
2. that's a separate issue from this bill.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Senator...Senator Philip.

5. SENATOR PHILIP:

6. You still haven't answered my question, Senator. What was
7. the Primary turnout this past Primary? What was the percentage?
8. I will bet you you have one of the lowest Primary turnouts of any
9. county in the State of Illinois and probably one of the reasons is
10. that you commingled because people are used to going to that polling
11. place in their precinct. When you move it and it makes it more
12. difficult for them. They have to go a farther distance and they
13. don't know where it is, you turn them off completely. Now, in
14. DuPage County we didn't have a very good turnout, very honestly,
15. but we had 19.8. I'll bet you didn't have fifteen percent in...in
16. Lake County.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. All right. Senator Grotberg.

19. SENATOR GROTBORG:

20. Question...

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Leonard. Excuse me...

23. SENATOR GROTBORG:

24. ...of the sponsor.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Leonard.

27. SENATOR LEONARD:

28. Commingling might have been something that would have gotten
29. people out. I don't know what our percentage is. I can find out.
30. I know we weren't the lowest percentage in the county and there is
31. some counties that didn't have commingling to get people out that
32. did worse than we did.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Grotberg.

2. SENATOR GROTBERG:

3. Question of the sponsor.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Indicates he will yield. Senator Grotberg.

6. SENATOR GROTBERG:

7. Senator Leonard, I did not hear your opening remark but I

8. gather that this amendment legalizes super precincts. Is that

9. correct...with electronic devices?

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Leonard.

12. SENATOR LEONARD:

13. If a super precinct is a consolidation of four precincts...

14. yes.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Grotberg.

17. SENATOR GROTBERG:

18. I think it was four years ago in Pontiac when they had the

19. new electronic machine. They all gathered in the gymnasium. The

20. whole town had...I think had all the precincts in one group...Was

21. there a league of...was there a statutory limit before this or

22. was it home rule or what?

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator Leonard.

25. SENATOR GROTBERG:

26. Nobody raised any question about that.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Leonard.

29. SENATOR LEONARD:

30. Well, I wasn't in Pontiac at the gymnasium when this came

31. through. This...this has a limit of four precincts. This is the

32. procedure that the county board in Lake County would like to adopt.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Grotberg.

2. SENATOR GROTBORG:

3. Well if they've been doing without statutory authority

4. why bother. I guess that's my point.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Joyce.

7. SENATOR JOYCE:

8. Yes, thank you, Mr. President. Will the sponsor yield?

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Indicates he will yield. Senator Joyce.

11. SENATOR JOYCE:

12. Senator Leonard, the super precinct concept...you know, we

13. have some precincts in Kankakee County that I've been trying to

14. get split up ever since I've been here...you know, some of them

15. are up as high as two thousand. You could conceivably have...

16. eight thousand people voting in one area. There's no limit on

17. the number of people that could come in from these four precincts.

18. Is that right?

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator Leonard.

21. SENATOR LEONARD:

22. Well if there's no limit to the number of people that are

23. coming in to any particular precinct, I think the number of people

24. in a precinct is limited. Right?

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Joyce.

27. SENATOR JOYCE:

28. It is, but it is very hard to enforce and it happens that

29. people don't want to split precincts.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Senator Leonard.

32. SENATOR LEONARD:

33. This does not require anybody to split precincts. If it is

1. not a good idea in your area don't do it. You will not be
2. required to cluster precincts. All this does is allow counties
3. that would like to do it to and use an electronic system to be
4. able to do it. If you have a mechanical system you can consolidate
5. but apparently there's a problem here if you have an electronic
6. system. This simply says if you have these other facilities and
7. wish to use them you'd be allowed to do so. If it is a problem
8. in your district don't do it. It is not a problem in our district.
9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Senator Joyce.

11. SENATOR JOYCE:

12. Yes, but it leaves the authority up to the county board.
13. Is that right? I'd be scared to death they'd do it.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senator Graham.

16. SENATOR GRAHAM:

17. Mr. President and members of the Senate. I think that Senator
18. Leonard has a proposition here directing its attention to the
19. subject and the proposition is one whose time has not yet arrived.
20. I know the reason for this being done, Senator Leonard, over in
21. Lake County and I know that...I talked to your county clerk at some
22. great length and apparently, it did a lot better than Senator
23. Schaffer would indicate that it did. The real problem that we
24. face, members of the Senate, and we're going to face it in this
25. Session pretty soon. We faced it temporarily two years ago when we
26. passed a Consolidation of Elections Bill. We passed only half of
27. the package which pre-empted and precipitated some of this movement
28. in the effort to do what Consolidation of Election indicated to
29. people what it should do and that's save money. Whether or not this
30. Lake County project was good or bad remains to be seen but, at least,
31. they made a try. I think, however, that rather than to get a
32. separate piece of legislation standing out all alone trying to hold
33. up the big Consolidation of Elections Bill we would need some propping

1. up at this point in time that we would be better advised,
2. Senator Leonard and members of the Senate, to do the thing that
3. I'm going to suggest to you soon before this Senate closes...
4. and Session closes and that is we give some more time to the
5. bill directing its attention to the implementation of the
6. Consolidation Bill. If we're not successful in getting that
7. time to the extent that the Election Laws Commission and others
8. will have an opportunity to get this in shape, then I'm saying
9. to this General Assembly we made a mistake and should abolish
10. the whole darn idea and I hate to see that happen after I worked
11. on it eighteen years. I would rather...I would rather see this
12. attached to some bill that would be accompanying our overall
13. objective on Consolidation of Elections with the consolidation
14. implementation. I think it's that time...it would better fit
15. into the picture and I'd rather see you do that.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Senator Berning.

18. SENATOR BERNING:

19. Thank you, Mr. President and members of the Senate. Irrespective
20. of anybody's feelings one way or the other about this particular
21. amendment, I think it's appropriate to point out that there is
22. already a law suit pending in Lake County and it seems to me it would
23. be highly inappropriate to take any legislative action which would,
24. perhaps, prejudice that suit. For that reason, in my opinion, this
25. amendment ought not to be adopted. Thank you.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Senator Netsch...For what purpose does Senator Collins arise?

28. SENATOR COLLINS:

29. Point of personal privilege.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. State your point.

32. SENATOR COLLINS:

33. Mr. President and members of the Senate. I'm very happy to

1. have with us today in the gallery the graduating class of the
2. Melody School, 4200 West Congress in Chicago and I'd asked that
3. they stand and be recognized by the Senate.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Will our guests please stand and be recognized by the Senate.
6. Senator Netsch.

7. SENATOR NETSCH:

8. Senator Leonard, if you would yield for a question. I think
9. you may have answered this by now but I'm trying to get clear in
10. my own mind. I was looking for a way in which this might be so
11. limited that it would, in fact, allow you to do in Lake County
12. that which you want to do but would not make it possible for it
13. to happen in Senator Joyce's county or other places. Did you say
14. though that the law presently provides that in counties with
15. mechanical voting systems such as voting machines clustering may
16. already be done? And the answer to that is yes and is the clustering
17. under the same terms and conditions...that is clusters up to four
18. with the same provisions with respect to the pooling of judges and
19. so forth.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator Leonard.

22. SENATOR LEONARD:

23. There is one thing you can do with electronic voting that you
24. cannot do with a machine. On a machine the names are all on the
25. machine. All the people from one precinct have to go into a
26. particular machine. In electronic voting the card is the key. The
27. card tells from which precinct that particular person can go and so
28. you can use one machine to punch up cards from various precincts.
29. One of the savings is you can actually use less machines in this
30. than you do when you have the mechanical system. It is not
31. absolutely identical in that regard.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Netsch.

1. SENATOR NETSCH:

2. All right. The question then is, in reading the...the amend-
3. ment it is not obvious on its face, that it is limited to extending
4. this form of clustering to counties with electronic voting. Is
5. there something that makes it so limited and if so, do you know
6. how many counties there are with electronic voting?

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator Leonard.

9. SENATOR LEONARD:

10. No, I don't know how many counties there are with electronic
11. voting. I...I think we are a rarity. In fact I...I don't know
12. the information ought to be in this room. If there's anyone in
13. Illinois outside of Lake County that does it. If there is a
14. concern...what this would do with other counties I would be glad
15. to put in a provision that would limit it to counties with first
16. names that started with Lake or some other provision or something
17. on population.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Netsch.

20. SENATOR NETSCH:

21. Just one last point. That's...I was originally thinking along
22. those lines but unfortunately I think there may be some legal
23. questions about that kind of classification other than the fact
24. that's its fairly blatant if you make it those counties beginning
25. with Lake but even in terms of trying to classify by population
26. or whatever, you do have the problem of election laws being required
27. to be relatively uniform around the State and that might present
28. some problems. If...if you could design an amendment that would,
29. in effect, make it clear that it...that it applied only to Lake
30. County and authorized it only there by a narrow definition of
31. electronic voting machine or something maybe you would have solved
32. your problem.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Coffey.

2. SENATOR COFFEY:

3. Mr. Chairman and members of the Senate, I think that some
4. people have some misunderstandings of this amendment. Now, first
5. of all, I'm rising in support of this amendment because we have
6. the computers...the computerized voting equipment and one of the
7. first in the State of Illinois. We ran, what I think and what
8. most people would tell you, one of the finest elections this
9. last election year and there is some problems...and there is some
10. problems with the fact that by consolidating these four precincts
11. together it is being tested in some cases. If that test would hold
12. up without legislation as we have here before us today then it
13. could mean us spending several thousand extra dollars to hold
14. election and might not even be possible for us to use this
15. equipment this upcoming election but when you're using the computer
16. systems you have four...you can put you...with one computer you
17. can put up to eight machines on one computer. The reason we're
18. consolidating these polling places is so we can put up to eight
19. machines on a computer. We can handle more voters. We can do it
20. in a larger area and we're still able to take care of those people.
21. The last Primary election we just had we had not mistakes and no
22. errors. We had our election returns in by seven o'clock. Every-
23. where else in my district was still going from eleven o'clock
24. to the next day at noon. We had no problems. The machines has
25. been updated. We need the consolidation for these computerized
26. machines and it's not just in the Senator's amendment in his
27. particular area, it's also in ours.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Wooten.

30. SENATOR WOOTEN:

31. Thank you, Mr. President. I'd merely point out I think most
32. of the objections and problems would disappear if you would look at
33. the nature of the equipment being involved here. The point made by

1. Senator Coffey is a very good one that a clustering of precincts
2. simply makes the whole process work much better, more efficiently
3. and, actually, you can save money at it. You can save time. You
4. speed up the election results and I think that when we address the
5. problem we're thinking in terms of other equipments and other...
6. other situations and as this applies to electronic voting machines
7. it is a very sound, reasonable approach and I don't think that we
8. should shy away from it because we're thinking in terms of other
9. machines and other situations and I believe we ought to adopt this
10. and give this equipment a...the validation that I think the people who
11. are using it would want. It seems to work quite well.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Does any Senator seek recognition on this issue a first time?
14. Senator Rhoads.

15. SENATOR RHOADS:

16. Thank you, Mr. President. With all due respect to the prior
17. two speakers, Gentlemen, read the amendment, please. We're not
18. talking here about the clustering of facilities we are talking
19. about judges from precinct A having general supervision over
20. precinct B, C, D and so forth. Contiguous is not defined in the
21. bill. We could have four precincts rather widely spread apart with
22. no common boundaries that could be clustered into one clustered
23. voting zone. What in the world is the purpose of having local
24. judges of election unless those five judges have the supervision
25. over the...the voters in that precinct? This amendment is not a
26. good idea...It applies State wide in all elections to answer the
27. previous question of...of Senator Netsch. The local county election
28. authorities may now cluster if they want to in terms of clustering
29. in a physical facility but they may not commingle judges from various
30. precincts. That's what's wrong with this amendment.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Is there further discussion? Senator Leonard may close.

33. SENATOR LEONARD:

1. First of all, the bill spells out that you can't have more
2. than four precincts. That there must be at least three election
3. judges from each precinct. The precinct...my particular polling
4. place is right across from...from our home. It's a school and
5. the...the facts are that the twelve judges involved knew just
6. about everybody that...that walked in. You still have the
7. screening of people coming in. It simply allows less judges to
8. be hired. There has been no question in this that people didn't
9. know who came in. It requires that each precinct is represented.
10. It...it requires that the judges reflect the political makeup of
11. the precincts. No, that really isn't a problem. Let me...I'll
12. call for a vote. It limits it to four precincts. It says that
13. the polling places must be within the territory. It says that there
14. must be at least three election judges from each of the precincts
15. and that the party affiliation of the judges must reflect the area
16. from which they come. That's what we're asking for. It is some-
17. thing that is discretionary. We're not requiring anybody to have
18. it. It is a system we use in Lake County. It will cost us a
19. hundred thousand dollars to go to the other system. That is our
20. saving. Now in the legislature with a billion dollar budget that's
21. not much. In a county a hundred thousand dollars an election is
22. a lot of money. It is an appreciable saving and I'm asking for
23. an amendment that would give us permission to do that.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. The question is on the adoption of Amendment No. 3 to Senate
26. Bill 1680. Those in favor...say Aye. Opposed Nay. A roll call
27. has been requested. Those in favor will vote Aye. Those opposed
28. will vote Nay. The voting is open. Have all voted who wish?
29. Have all voted who wish? Take the record. On that question...on
30. that question the Ayes are 30, the Nays are 26. Amendment No. 3
31. is adopted. Senator...Senator Walsh, for what purpose do you arise?
32. Are there further amendments?

33. SECRETARY:

1. No further amendments.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. 3rd reading. For what purpose does Senator Walsh arise?

4. SENATOR WALSH:

5. Mr. President, if I may be permitted a slight transgression
6. ...of the rules. In the Senate Gallery on the Republican side
7. Len Mueller, Don Hydekamp with Vern McCarthy and the Board of
8. Directors of Westlake Memorial Hospital which is located in
9. Melrose Park in my district. They held their monthly board meeting
10. on a bus on the way down to Springfield today so they could observe
11. the Legislature in Session and I wonder if they could be recognized
12. by the Senate.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Would they please stand and be recognized by the Senate. Senate
15. Bill 1802. Senator Walsh...asks leave of the Senate to return to
16. Senate Bill 1802 on the Order of 2nd reading for the purpose of
17. amendment. Is there leave? Leave is granted. Amendments, Mr.
18. Secretary.

19. SECRETARY:

20. Amendment No. 3 offered by...by Senator Walsh.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Walsh to explain the amendment.

23. SENATOR WALSH:

24. Mr. President and members of the Senate. This bill relates to
25. transportation of non-public school pupils, elementary school pupils
26. by high school districts. I have had considerable discussion with
27. the Office of Education. Senator Berman and others on this bill and
28. I think we've worked out a satisfactory amendment. I would move,
29. Mr. President, having voted on the prevailing side that Amendment
30. No. 1...excuse me, Amendment No. 2 to Senate Bill 1802 be...unless
31. he having voted on the prevailing side...

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. ...Reconsider...

1. SENATOR WALSH:

2. ...move to reconsider the vote by...

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. The motion is to reconsider. Is there discussion? All in
5. favor say Aye. Opposed Nay. The Ayes have it and the vote by
6. which Amendment No. 2 was adopted is reconsidered and Senator
7. Walsh now moves to Table Amendment No. 2. All in favor say Aye.
8. Opposed Nay. The Ayes have it and Amendment No. 2 is...is Tabled.
9. Amendment No. 3. Senator Walsh.

10. SENATOR WALSH:

11. Senator Regner reminds me that the board shows 3rd reading.
12. It's on...we're on the Order of 2nd reading for purposes of this
13. amendment. I would move, Mr. President, that Amendment No. 3 be
14. adopted and that amendment is one as I said that has been worked
15. out with the Office of Education, Senator Berman and others and
16. just provides that the elementary schools districts bear whatever
17. costs would be incurred by this transportation...school transportation
18. rather than the State of Illinois. I move the adoption of Amend-
19. ment No. 3.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. You've heard the motion to adopt. Is there discussion? All
22. in favor say Aye. Opposed Nay. The Ayes have it. Amendment No.
23. 3 is adopted. Further amendments?

24. SECRETARY:

25. No further amendments.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. 3rd reading. Senate...for what purpose does Senator Mitchler
28. arise?

29. SENATOR MITCHLER:

30. Mr. President, a point of personal privilege. On the Floor
31. of the Senate is a former State Senator from the City of Chicago
32. who I had the pleasure of serving with when I was a member and
33. she was Chairman of the Commission on the Status of Women and whether

1. you're pro or con or for or against one the greatest advocates
2. and hardest fighters for women's equal rights, school legislation
3. and has done a great job, now an alderman in the City of Chicago,
4. the Honorable Esther Saperstein.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Saperstein. All right. Senator Saperstein.

7. SENATOR SAPERSTEIN:

8. Thank you very, very much for those kind words. It's wonderful
9. to be back. I'm fighting the tears and I will not say one word about
10. ERA.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator...1822, Senator Leonard. Senator Leonard asks leave
13. of the Senate to return 1822 to the Order of 2nd reading. Is
14. there leave? Leave is granted. Amendments, Mr. Secretary.

15. SECRETARY:

16. Amendment No. 1 offered by Senator Leonard.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Senator Leonard is recognized.

19. SENATOR LEONARD:

20. This is an amendment to a bill that requires that the
21. legislature be made aware of Public Aid payments and medical
22. payments. One of the problems currently is that the better
23. physicians are driven out of this business because once they
24. enter they receive a profile and that profile says how much they
25. charge for certain services and that never changes and if one
26. simply considers inflation one doesn't have to go and figure how
27. many years you go back before it was uneconomical to...to treat
28. people. This amendment says when we get our information and when
29. that information is compiled one of the things the information
30. ought to be used for is to update the profiles for physicians.
31. I'll take any questions. I'd ask for its amendment.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Is there discussion on the motion to adopt? Senator Schaffer.

1. SENATOR SCHAFFER:

2. I was just curious what the fiscal implications of that
3. amendment are and not having a copy of it I...if it's just say
4. the study but if it says that the study has to be implemented
5. I would think the implications are major.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Senator Leonard.

8. SENATOR LEONARD:

9. The...I think the implications are covered. There is a
10. request for a twenty million dollar increase in Fiscal '79
11. budget to cover such provisions.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Is there further discussion? Senator Moore.

14. SENATOR MOORE:

15. Thank you, Mr. President, if the sponsor would yield.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Indicates he will yield. Senator Moore.

18. SENATOR MOORE:

19. It is my understanding that the twenty million dollars will
20. bring our medical vendor's up to the seventy percentile of
21. the 1977 usual and customary charges. Now if that...

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Excuse me, Senator Moore. Excuse me. May we have some order,
24. Ladies and Gentlemen. May we have some order. May we clear the
25. aisles. Please take your conferences off the Floor. Senator
26. Moore.

27. SENATOR MOORE:

28. Thank you, Mr. President. It's my understanding that the twenty
29. million that is in the proposed budget for the Department of Public
30. Aid will bring our medical providers up to...to in the...to the
31. seventy percentile of the usual and customary fees of 1977. Now
32. if that is the case what is the need for this bill or for the
33. amendment that you have. To make sure that they'll continue to do

1. it in the future or what?

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Leonard.

4. SENATOR LEONARD:

5. Usual and customary fees are they...we're talking about the
6. physician's profile and seventy percent and the State is now hoping
7. that we pay seventy percent. Okay. I am saying that the profile
8. is inadequate to begin with and I know from talking with physicians
9. you have the...the bizarre situation and if you've got three men in
10. one office they all get a different rate and not one of them gets
11. a rate that really justifies. It's strictly charity. It doesn't
12. even pay for the paperwork to do the thing. You can pay seventy
13. percent of the rate but it is still an inadequate rate and what I'm
14. saying in here is let's use this information to update the rate.
15. Let's pay physicians a realistic thing so you don't have a mill.
16. It seems to me they're about the only people that go in that can
17. afford to do this now are those that give a minimum service and
18. mass produce it. The better physicians are being driven out of
19. this. When these programs initially went in the idea was that
20. good physicians, all physicians would do a certain percentage and
21. I think if you'll look around your community you'll find that most
22. physicians aren't providing this aid. The only people that can
23. afford to do it are those that mass produce it, get a lot of people
24. through and go on volume and I don't think that's the kind of
25. medical aid that this State ought to be providing. This says update
26. the profile. The State of Illinois hasn't been paying the whole
27. profile to begin. I'm saying let's...let's make that profile current.
28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Further discussion?

30. SENATOR LEONARD:

31. Okay. Call for its adoption.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Kenneth Hall.

1. SENATOR KENNETH HALL:

2. Would...would the sponsor yield to a question?

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Indicates he will yield. Senator Hall.

5. SENATOR KENNETH HALL:

6. Senator Leonard, I'm very supportive of upping this profile.

7. As a matter of fact, the Governor in his budget message said that
8. they were going to abolish the profile, so if this brings it up
9. to just seventy percent...or is this going to bring it up to the
10. whole hundred percent?

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator Leonard.

13. SENATOR LEONARD:

14. We've got two things going here. I'm saying let's make the
15. profile current with what physicians are spending in a particular
16. current year. Senator Moore is saying the State wants to come up
17. to pay seventy percent of the profiles. It's an old profile. We're
18. talking two different things. He's saying the State ought to come up
19. to a pay at least...the State isn't even paying the full profile right
20. now. The State wants to pay seventy percent. I applaud that. Let's
21. ...let's do that but what I'm saying is the profile itself is highly
22. realistic...unrealistic and let's...let's update that profile. We
23. are now going to have information coming through here each year that
24. will do that. I am charging that it ought to be the responsibility
25. of the department to pay physicians what is a realistic profile and
26. then pay them seventy, eighty, ninety, a hundred percent of that
27. profile.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Is there...Senator Hall.

30. SENATOR KENNETH HALL:

31. Well, I just wanted to get that straight because my understanding
32. is right down in the profile is that older and more experienced
33. doctors are getting less than the newer doctors so if you are going

1. to upgrade that, I support that one hundred percent.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Is there further discussion? Senator Leonard moves the

4. adoption of Amendment No. 1. All in favor say Aye. Opposed Nay.

5. The Ayes have it. The amendment is adopted. Further amendments?

6. SECRETARY:

7. No further amendments.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. 3rd reading.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Senator Knuppel, for what purpose do you arise?

12. SENATOR KNUPPEL:

13. I'd like to acknowledge the...presence of Senator Tom

14. Everkamp on the Floor. He's talking to Senator Smith from

15. Quincy, Illinois. He'll be with us this evening.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Senator, welcome.

18. SENATOR KNUPPEL:

19. Tom Everkamp.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Senator Donnewald, for what purpose do you arise?

22. SENATOR DONNEWALD:

23. Well, I...I wanted to correct the pronunciation. Senator

24. McGloon or now Judge McGloon pronounce that as "our camp." He's

25. an Irishman and he doesn't know how to pronounce Deutsch names.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. The record will so reflect. On the Order of Senate Bills,

28. 3rd reading, Senate Bill 1835. Senator Bruce seeks leave of the

29. Body to bring Senate Bill 1835 back to the Order of 2nd reading

30. for purpose of amendment. Is leave granted? On the Order of

31. Senate Bills, 2nd reading, Senate Bill 1835. Mr. Secretary.

32. SECRETARY:

33. Amendment No. 2 offered by Senator Bruce.

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Senator Bruce.

3. SENATOR BRUCE:

4. Thank you, Mr. President. This...Amendment No. 2 will
5. clarify the definition of a person who was already covered by
6. the State Employee Group Insurance Act by adding...as you know
7. we cut off on March 31st, 1978 coverage of annuitants who had
8. less than full coverage in any pension program. This would just
9. clarify the fact that such coverage was provided as a proportional
10. annuity based on less than a minimum period of service required
11. by Retirement Annuity in the system involved. It clarifies the
12. language and makes sure that we're talking about annuitants who
13. had less than...who were actually on a proportional annuity from
14. the State of Illinois. I'd move its adoption.

15. PRESIDING OFFICER: (SENATOR ROCK)

16. Senator Bruce has moved the adoption of Amendment No. 2 to
17. Senate Bill 1835. Is there any discussion? All those in favor
18. signify by saying Aye. All those opposed. The Ayes have it.
19. The amendment is adopted. Any further amendments?

20. SECRETARY:

21. No further amendments.

22. PRESIDING OFFICER: (SENATOR ROCK)

23. 3rd reading.

24.

25.

26. (END OF REEL)

27.

28.

29.

30.

31.

32.

33.

1.

2. Senator Daley on the Floor? You want to do 8...okay.

3. On the Order of Senate Bills, 3rd reading, Senate Bill

4. 1847. Senator Daley seeks leave of the Body to bring

5. Senate Bill 1847 back to the Order of 2nd reading for

6. purpose of an amendment. Is leave granted? On the Order of

7. Senate Bills, 2nd reading, Senate Bill 1847. Mr. Secretary.

8. SECRETARY:

9. Amendment No. 2 offered by Senator Daley.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Senator Daley.

12. SENATOR DALEY:

13. Mr. President and fellow Senators. Amendment No. 2,

14. first of all, reenacts again the Statute repose on products

15. liability nine and ten years which was similar to the first

16. amendment. Secondly, it changes the insurance reporting.

17. In the original amendment, the insurance reporting for the

18. companies of Illinois was too long and burdensome and we changed

19. a number of items here which was more helpful to the Department

20. of Insurance and to eventually the consumers and...and the

21. manufacturers to find out what is happening to the products liability

22. insurance. Also the Act applies only to causes of action arising

23. after this effective date. That's all the amendment does.

24. I ask for a favorable roll call.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Any discussion? Senator Don Moore.

27. SENATOR MOORE:

28. Thank you, Mr. President. I think this is a good amendment

29. particularly the clarification on the reporting of...by the

30. insurance companies and I'd urge the members on this side of the

31. aisle to support this amendment.

32. PRESIDING OFFICER: (SENATOR ROCK)

33. Further discussion? Senator Wooten.

1. SENATOR WOOTEN:
2. A question of the sponsor.
3. PRESIDING OFFICER: (SENATOR ROCK)
4. Sponsor indicates he will yield. Senator Wooten.
5. SENATOR WOOTEN:
6. Senator Daley, just...this may be actually more useful
7. on 3rd reading than 2nd but I'm trying to get clear in my
8. mind something I read in the analysis of the first amendment
9. on the...on repose. This runs after the first seller. All right,
10. now, if the first...is the manufacturer a first seller? Can
11. he be a first seller?
12. PRESIDING OFFICER: (SENATOR ROCK)
13. Senator Daley.
14. SENATOR DALEY:
15. No, he can't.
16. PRESIDING OFFICER: (SENATOR ROCK)
17. Senator Wooten.
18. SENATOR WOOTEN:
19. All right. What I was looking at...what was forming in my
20. mind is if a manufacturer sells it to a distributor and the
21. distributor keeps it on his shelf for ten years and then sells
22. it, that's what worry...me. Now, is that not the case?
23. PRESIDING OFFICER: (SENATOR ROCK)
24. Senator Daley.
25. SENATOR DALEY:
26. It runs from the first date of the sale to a consumer.
27. PRESIDING OFFICER: (SENATOR ROCK)
28. Senator Wooten.
29. SENATOR WOOTEN:
30. All right. Does this specifically say that to a consumer?
31. In other words, it's not really either a...it's not a wholesaler,
32. it's a retailer, is that it?
33. PRESIDING OFFICER: (SENATOR ROCK)

1. Senator Daley.

2. SENATOR DALEY:

3. The first sale to a consumer, and it's not a wholesaler,

4. or retailer or distributor.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Senator Wooten.

7. SENATOR WOOTEN:

8. All right. I don't want to be dense on this, but if

9. a manufacturer sells it to a wholesaler, is the wholesaler a

10. consumer?

11. PRESIDING OFFICER: (SENATOR ROCK)

12. Senator Daley.

13. SENATOR DALEY:

14. No, he isn't.

15. PRESIDING OFFICER: (SENATOR ROCK)

16. Senator Wooten.

17. SENATOR WOOTEN:

18. All right. So, then a consumer is only a person who actually

19. uses the product and...

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Senator...

22. SENATOR WOOTEN:

23. ...and ten years after that sale, is when the repose

24. has its effect?

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Senator Daley.

27. SENATOR DALEY:

28. Correct.

29. PRESIDING OFFICER: (SENATOR ROCK)

30. Further discussion? Senator Daley has moved the adoption

31. of Amendment No. 2 to Senate Bill 1847. Is there any further

32. discussion? All those in favor signify by saying Aye. All those

33. opposed. The Ayes have it. The amendment is adopted. Further

1. amendments?

2. SECRETARY:

3. Amendment No. 3 offered by Senator Rhoads.

4. PRESIDING OFFICER: (SENATOR ROCK)

5. Senator Rhoads.

6. SENATOR RHOADS:

7. Mr. Secretary, would you please read the LRB number on

8. that first...

9. SECRETARY:

10. It's...it's...

11. SENATOR RHOADS:

12. ...amendment, Amendment No. 3.

13. SECRETARY:

14. ...the shorter amendment, Senator Rhoads.

15. SENATOR RHOADS:

16. The shorter. All right. Thank you. Thank you, Mr. President,

17. members of the Senate. Amendment No. 3 amends Senate Bill

18. 1847 as amended in Section 3 by deleting paragraphs B and C.

19. Paragraph B represents a reopening to the statute of repose

20. for alteration and modification of a machinery or product

21. or other piece of equipment. It is felt by some, particularly

22. the Illinois Product Liability Task Force that this could

23. arguably impose a strict liability on a repairman or on a

24. serviceman. And we feel that the serviceman who might be negligent

25. there is a liability under the negligence theory and that the

26. serviceman should not be under a strict liability doctrine.

27. Secondly, in paragraph C, breaks up the same formula and

28. design and a different formula and design and we feel that this

29. gives a greater design liability exposure to a independent

30. distributor who might be trying to put independent parts rather

31. than manufacturer...the original manufacturer parts into a

32. machine. That's all that this amendment does and I ask for

33. favorable adoption.

1. PRESIDING OFFICER: (SENATOR ROCK)
2. Senator Rhoads has moved the adoption of Amendment No. 3.
3. Is there any discussion? Senator Daley.
4. SENATOR DALEY:
5. Mr. President and fellow Senators. I stand in opposition to
6. this amendment. First of all, it changes the complexion of the
7. bill. The original bill as amended places the manufacturer,
8. distributor, wholesaler and serviceman as one. This would
9. put the complete liability upon the manufacturer and it should
10. not be so. Everyone should be responsible who is in line of
11. commerce and with the statute of repose of nine and ten...
12. protects them all and I stand opposing this amendment.
13. PRESIDING OFFICER: (SENATOR ROCK)
14. Further discussion? Senator Guidice.
15. SENATOR GUIDICE:
16. Question of the sponsor of the amendment.
17. PRESIDING OFFICER: (SENATOR ROCK)
18. Sponsor indicates he will yield. Senator Guidice.
19. SENATOR GUIDICE:
20. Is it your intention, then, to stop the wholesaler's
21. responsibility in the first instance?
22. PRESIDING OFFICER: (SENATOR ROCK)
23. Senator Rhoads.
24. SENATOR RHOADS:
25. In which instance, Senator Guidice, in the...in which
26. instance? Give me an example.
27. PRESIDING OFFICER: (SENATOR ROCK:
28. Senator Guidice.
29. SENATOR GUIDICE:
30. If he receives the product to sell it or accepts the product
31. in his store and the like, you're going to take and alleviate
32. ...the money responsibility that he might have in regards to that?
33. PRESIDING OFFICER: (SENATOR ROCK)

1. Senator Rhoads.
2. SENATOR RHOADS:
3. That's not my intention, no.
4. PRESIDING OFFICER: (SENATOR ROCK)
5. Senator Guidice.
6. SENATOR GUIDICE:
7. You...I submit to you, that's what you're doing by your
8. amendment.
9. PRESIDING OFFICER: (SENATOR ROCK)
10. Further discussion? Senator Rhoads, you wish to close the
11. debate?
12. SENATOR RHOADS:
13. I think this is good amendment and Senator Daley and I have
14. agreed to disagree.
15. PRESIDING OFFICER: (SENATOR ROCK)
16. All right. Senator Rhoads has moved the adoption
17. of Amendment No. 3 to Senate Bill 1847. All those in favor
18. signify by saying Aye. All those opposed. In the opinion of
19. the Chair, the Noes have it. The amendment fails. Further
20. amendments?
21. SECRETARY:
22. Amendment...Amendment No. 4 offered by Senator Rhoads.
23. PRESIDING OFFICER: (SENATOR ROCK)
24. Senator Rhoads.
25. SENATOR RHOADS:
26. Thank you, Mr. President, members of the Senate. Amendment
27. No. 4 is the sellers exclusion amendment. This is a...admittedly
28. a strong amendment but one which would have, in my opinion,
29. a beneficial impact on lowering product liability insurance rates.
30. The amendment is very short. It says that no product liability
31. action based on the doctrine of strict liability, we're not
32. including negligence here...may be commenced or maintained
33. against a seller unless any of the following apply: the seller is

1. also the manufacturer of the product, the seller had actual
2. knowledge of the alleged defect or that the seller created
3. the...and furnished the manufacturer with specifications
4. relevant to the alleged defect for producing the product or
5. otherwise exercise some significant control over all or some
6. portion of the manufacturing process. I urge the adoption of
7. Amendment No. 4 because it will have a very significant impact
8. in bringing down insurance rates.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Senator Rhoads has moved the adoption of Amendment No.
11. 4. Is there any discussion? Senator Daley.

12. SENATOR DALEY:

13. Mr. President and fellow Senators. I stand opposing
14. this amendment. What this amendment does, it takes out
15. the distributor, the wholesaler, retailer right out of
16. strict liability on the products liability. You're really
17. protecting the distributor...distributor...or wholesaler
18. unwisely. First of all, you're saying if he had actual knowledge
19. and second you're saying if he had a private label or a brand
20. he could place on any product, this will protect him from the
21. products liability action. I think it's unfair. It's unwise
22. and I stand opposing this amendment.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Further discussion? Senator Glass.

25. SENATOR GLASS:

26. Well, thank you, Mr. President and Ladies and Gentlemen.
27. I don't believe this amendment is a good amendment. I...I
28. think the bill, as it now stands, should be beefed up and frankly,
29. I'm hopeful that with the conferences now going on between
30. attorneys for the manufacturers and the trial lawyers,
31. and others that we will come out with a somewhat stronger bill
32. than is now on the Floor. But I tend to agree with...with
33. Senator Daley that this...the language of this amendment is

1. so broad, that it would take out distributors and wholesalers
2. almost entirely and I think we should address this problem but
3. not in the terms of this amendment so I'd also oppose it.

4. PRESIDING OFFICER: (SENATOR ROCK)

5. Further discussion? Senator Buzbee.

6. SENATOR BUZBEE:

7. Question of the sponsor, Mr. President.

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Sponsor indicates he will yield. Senator Buzbee.

10. SENATOR BUZBEE:

11. Senator Rhoads, other than you everybody that's spoke
12. on this amendment is an attorney and I would like for you to
13. tell me in layman's language, being another nonattorney,
14. exactly what does your amendment do?

15. PRESIDING OFFICER: (SENATOR ROCK)

16. Senator Rhoads.

17. SENATOR RHOADS:

18. Thank you, Senator Buzbee. I did, in response to Senator
19. Glass, I did admit at the outset that this is a strong amendment
20. and it does seek to protect certain people who I feel should not
21. be in the stream of commerce. Now, particularly in...in my
22. district I have small machine tool distributors and
23. wholesalers who never have the machine in...in their possession
24. at all. They never have their hands on it and yet these are the
25. kinds of people who are being squeezed out by the insurance crunch.
26. Either squeezed out or they have to go bare, they have to
27. self-insure. These are the kinds of people that should not
28. really be in the stream of commerce with respect to
29. strict liability and you really can't make a negligence case
30. against them because they never have their hands on the
31. machine to begin with. This amendment, like the one before it,
32. are both supported by the Illinois Product Liability Task Force
33. and this amendment, like the one before it, Senator Daley

1. and I agreed to disagree.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. All right. Senator Rhoads...any further discussion?

4. Senator Rhoads has moved the adoption of Amendment No. 4

5. to Senate Bill 1847. All those in favor signify by saying

6. Aye. All those opposed. In the opinion of the Chair, the

7. Noes have it. The amendment fails. Further amendments?

8. SECRETARY:

9. Amendment No. 5 offered by Senator Daley.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Senator Daley.

12. SENATOR DALEY:

13. Mr. President and fellow Senators. This is my amendment.

14. This protects the consumer against chemical and drug

15. companies, pharmaceutical companies in Illinois. The Statute

16. of repose would not affect them. They would not have a nine

17. and ten year statute of limitation. They would be subject to

18. any products liability action because of the...I believe

19. many of the problems that affected the chemical industry

20. and the pharmaceutical industry in Illinois and across the

21. country. I really have problems placing them within the concept

22. of a manufacturer, a small manufacturer building machines that

23. we talked about originally for the products liability changes

24. and I ask for adoption of this amendment.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Senator Daley has moved the adoption of Amendment No. 5 to

27. Senate Bill 1847. Is there any discussion? Senator Glass.

28. SENATOR GLASS:

29. Well, thank you, Mr. President and Ladies and Gentlemen.

30. I rise to oppose this amendment. I think it would be a mistake

31. to take any manufacturer out of the bill. There is a ten year

32. statute of repose in the bill now. That means that there is a ten

33. year period within which the manufacturer of a drug may be sued.

1. Or it's nine years after the...the sale to the ultimate user
2. and consumer. That's a long time to say that the manufacturer
3. is still going to be liable for a defect and I...I believe that
4. those drugs, most of them the life that they have is specified
5. as far less than that so I don't see the problem and certainly
6. don't have the concern that Senator Daley does. I think it would
7. weaken a bill that has already been, in my opinion, amended
8. too much and I oppose this further weakening of the bill
9. and would...would therefore urge a No vote on the amendment.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Any further discussion? Senator Wooten.

12. SENATOR WOOTEN:

13. Well, Mr. President, I rise in support of this amendment.
14. One need only think of the thalidomide problems and developmental
15. problems that can sometimes be manifested only after a period
16. of many, many years. And I think it would be irresponsible
17. to include pharmaceutical firms, drug companies in the same
18. category as manufacturers of hard goods.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Any further discussion? Senator Daley has moved the
21. adoption of Amendment No. 5 to Senate Bill 1847. All those
22. in favor signify by saying Aye. All those opposed. The Ayes
23. have it. The amendment is adopted. Any further amendments?

24. SECRETARY:

25. No further amendments.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. 3rd reading. Yes, Senator Glass. Senator Glass has
28. requested a roll call on the question of the adoption of the
29. ...Amendment No. 5 to Senate Bill 1847. Those in favor of the
30. amendment will vote Aye. Those opposed will vote Nay. The
31. voting is open. Have all voted who wish? Have all voted
32. who wish? Take the record. On that question the Ayes
33. are 33, the Nays are 18, 2 Voting Present. Amendment No. 5 is
34. adopted. Any further amendments?

1. SECRETARY:

2. No further amendments.

3. PRESIDING OFFICER: (SENATOR ROCK)

4. 3rd reading. Any other member have a bill on 3rd reading
5. they wish recalled for the purpose of an amendment? Senator
6. Bruce.

7. SENATOR BRUCE:

8. I wonder on the products liability bill that we just
9. discussed, whether or not that might be sent to Enrolling and
10. Engrossing so that we might see it earlier
11. so we can see the whole bill as it will pass out
12. of here.

13. PRESIDING OFFICER: (SENATOR ROCK)

14. The Secretary informs me that can and will be done.
15. All right. Message from the Governor.

16. SECRETARY:

17. A Message from the Governor by Zale Glauberman, Director
18. Legislative Affairs.

19. Mr. President - The Governor directs me to lay before
20. the Senate the following message: To the honorable members of the
21. Senate, the 80th General Assembly. I have nominated and appointed
22. the following named persons to the offices enumerated below
23. and respectfully ask concurrence in and confirmation of these
24. appointments by your honorable Body.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Executive Appointments. All right. If I can have the
27. attention of the Body. The President has indicated we will try
28. to adjourn for the day approximately around 5:00 o'clock. We
29. would suggest that we now move to the Order of Senate Bills on
30. 2nd reading and those bills that can be moved should be moved and
31. those that can't we'll deal with tomorrow. So, if everybody will
32. turn to page 2 on the Calendar. Senator Shapiro for what purpose
33. do you arise?

SENATOR SHAPIRO:

1. Point of personal privilege, Mr. President.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. State your point, Sir.

4. SENATOR SHAPIRO:

5. I'd like to point out to the Senate that today
6. is the birthday of Senator Stanley Weaver and also the
7. Assistant Doorkeeper, Mario Costa on our side of the aisle.

8. PRESIDING OFFICER: (SENATOR ROCK)

9. All right. On the Order of Senate Bills, 2nd reading,
10. Senate Bill 784, Senator Bowers. Read the bill, Mr. Secretary.

11. SECRETARY:

12. Senate Bill 784.

13. (Secretary reads title of bill)

14. 2nd reading of the bill. The Committee on Revenue offers
15. one amendment.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Senator Bowers.

18. SENATOR BOWERS:

19. Mr. President, as I indicated to the Body when this bill
20. was...was discharged from committee, we had an amendment
21. that was intended to replace the present contents of the bill.
22. With that in mind, I would move to Table Committee Amendment
23. No. 1. There is an amendment on the desk sponsored by Senator
24. Glass.

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. Senator Rock.

27. SENATOR ROCK:

28. Amendment No. 1 is not a committee amendment. This bill has
29. not been in committee.

30. SECRETARY:

31. It is attached marked Revenue.

32. PRESIDING OFFICER: (SENATOR DONNEWALD)

33. Senator Daley.

SENATOR DALEY:

1. Mr. President and fellow Senators. As I understand the
2. amendment that is on the Secretary's Desk, there's a bill already
3. in the Judiciary Committee which we had full hearings last
4. year and we're still awaiting the Attorney General's viewpoint
5. on this specific legislation. We have a bill that is in the
6. committee and I'd like to inform that to all the Senators.

7. PRESIDING OFFICER: (SENATOR DONNEWALD)

8. Senator...all right.

9. SECRETARY:

10. Senator Rock, relative to your question, this bill was
11. reported out of committee at one time with a Do Not Pass
12. recommendation as amended. So, consequently the bill was then
13. recommitted, came out so this committee amendment should not
14. be on the bill. So... 'cause eventually the bill was taken from
15. the Table.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Senator Bowers, your motion is to Table Amendment
18. No. 1 to Committee Amendment No. 1 to Senate Bill 784.
19. Is there debate? The question is shall Amendment No. 1
20. be Tabled. Those in favor indicate by saying Aye. Those
21. opposed. The Ayes have it. Amendment No. 1 is Tabled.
22. Are there further amendments?

23. SECRETARY:

24. Amendment No. 2 offered by Senator Glass.

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. Senator Glass.

27. SENATOR GLASS:

28. Thank you, Mr. President, Ladies and Gentlemen of the Senate.
29. As Senator Bowers announced and when he moved to take this bill
30. out of committee and place it on 2nd reading, it was for the
31. purpose of this amendment. The amendment takes everything that
32. is now in the bill out and replaces it with a reform of the collection
33. of our State inheritance taxes. And specifically, the bill would

1. eliminate the court proceeding that is now required for
2. inheritance tax collection and thereby eliminate a large
3. portion of the cost of collecting the inheritance tax.
4. It also would require the State Treasurer to collect the
5. tax rather than the county treasurers. Those are the two
6. changes. The...the first change would not prohibit
7. ...the first change, Mr. President, would...would not eliminate
8. a court appeal. If a taxpayer who filed an inheritance tax
9. return wished to appeal the decision of the Attorney General
10. regarding the amount of the tax, he could still do so.
11. But if he did not, the final return would be filed with the
12. Attorney General and thereby eliminate, as I say, a large portion of
13. the cost of collecting the tax. Many of you, I think, followed
14. the recent Chicago Tribute series of articles showing how much
15. it costs for Illinois to collect the tax and what a tremendous
16. waste there is. And in fact, it cost Illinois 4.1 million
17. dollars last year to collect about eighty-five million in
18. inheritance taxes. What we're trying to do with this legislation
19. is cut that cost 1.1 million in fees which were paid to a firm
20. hired by the court to do abstracting, accounted for that
21. twenty-seven percent of that 4.1 million. So, we could cut
22. a good deal of the cost simply by eliminating the court review
23. which is not present with any other taxes to my knowledge, and
24. certainly is not needed. The other part of the amendment,
25. as I mentioned earlier, would be to eliminate the county
26. treasurers from...from collecting the tax and the entire tax would
27. be collected by the State Treasurer, also a cost reducing
28. effort. So, I would urge the adoption of this amendment.

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. Is there further discussion? Senator D'Arco.

31. SENATOR D'ARCO:

32. Will the sponsor yield for a question?

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

1. Indicates he will.

2. SENATOR D'ARCO:

3. Where...where is it indicated in the bill or in...where is
4. it indicated in the amendment that the appraiser company
5. that collects the fees for preparing the inheritance tax
6. returns will be eliminated under your proposed amendment?

7. SENATOR GLASS:

8. Senator D'Arco, the...the appraisal company is hired
9. by the court so that by eliminating the court proceeding
10. from the inheritance tax process, that cost would also be
11. eliminated.

12. PRESIDING OFFICER: (SENATOR DONNEWALD)

13. Senator D'Arco.

14. SENATOR D'ARCO:

15. What procedure has the Attorney General outlined
16. to, in fact, replace the inheritance tax appraisals being
17. done by the inheritance tax company now?

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. Just a moment. Senator Glass.

20. SENATOR GLASS:

21. Senator D'Arco, the...the company involved does not
22. do appraisals. My understanding, it simply checks the arithmetic
23. and it does an abstract of the returns that have already been
24. prepared by the...usually the attorneys for the taxpayers
25. checked over by the Attorney General's assistants. Appraisals
26. have been done at that level and there's really nothing left
27. to do. There's no need for this abstracting service and that's
28. the reason for...one of the reasons for the bill.

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. Senator D'Arco.

31. SENATOR D'ARCO:

32. The way the function operates now, wouldn't it be better
33. if the Department of Revenue would, in fact, assess the amount of

1. the value of the property in order to evaluate the tax that's
2. due and owing and eliminate the function from the Attorney
3. General's Office and if you're going to have the State
4. collect the tax, wouldn't they, in fact, be the appropriate
5. revenue agency to do that function?

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. Senator Glass.

8. SENATOR GLASS:

9. Well, Senator D'Arco, I frankly am not in a position
10. to argue that issue with you. It...it may well be that in
11. the future Illinois could reform its inheritance tax and...and
12. turn the whole function over to the Department of Revenue.
13. We could also consider simply piggybacking our inheritance
14. tax onto the Federal estate tax. I think there's a lot of
15. room for reform. But within the time limit that we have,
16. what Senator Bowers and Walsh and I have done with this amendment
17. is simply take two easy steps to cut costs and one of them
18. is to keep the function where it is, that is in the inheritance
19. tax division of the Attorney General's Office and eliminate
20. the unnecessary court proceedings and...and also streamline
21. the...the collection through the State Treasurer.

22. PRESIDING OFFICER: (SENATOR DONNEWALD)

23. Senator D'Arco.

24. SENATOR D'ARCO:

25. Well, Mr. President, I would like to address myself to the
26. amendment. The abstract company's function is going...to have
27. to be taken over by someone in the Attorney General's Office.
28. There's no indication about how, in fact, that function would be
29. replaced at the present time. As far as I see this procedure,
30. the...if a tax matter is contested, the complainant can go to
31. the court and have a hearing before the court and the court is
32. the final arbitrator and decider of the contested matter.
33. That function would be replaced in this amendment by...administrative

1. review procedure in the Attorney General's Office. There's
2. no need for that. The court is in an adequate position to
3. perform that function now. Right now the Attorney General is not
4. in a position to take over this function appropriately and in
5. fact, if we're going to take the tax away from the county
6. and have them as the appropriate collecting agency, you
7. might as well let the Department of Revenue assess the amount
8. of tax that's due and owing in the first instance if you're
9. going to have the State perform the function of collecting
10. the tax. There's no necessity for this amendment and I,
11. in fact, oppose it and ask my colleagues to oppose it as well,
12. Terry.

13. PRESIDING OFFICER: (SENATOR DONNEWALD)

14. Senator Maragos.

15. SENATOR MARAGOS:

16. Will the sponsor of the amendment yield to a question?
17. Senator Glass, does this amendment in any way change the
18. present exemptions and the amounts of exemptions and deductions
19. as far as the Inheritance Tax Act is concerned?

20. PRESIDING OFFICER: (SENATOR DONNEWALD)

21. Senator Glass.

22. SENATOR GLASS:

23. It does not.

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. Senator Maragos.

26. SENATOR MARAGOS:

27. I...I commend the sponsor as to the intent of his amendment
28. but I have the same...similar misgivings although not the
29. same...of them that Senator D'Arco has and I'm just wondering
30. because a few years back, we wanted to use the Department of
31. Revenue as a source to collect and it was defeated and I think
32. we should give this more thought before we jump from the fire
33. to the frying pan.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Senator Daley.

3. SENATOR DALEY:

4. Mr. President and fellow Senators. There is a bill presiding
5. in the Senate Judiciary Committee. We reviewed the...the bill.
6. It was held for response from the Attorney General's Office.
7. As Senator D'Arco said, the same service is provided under the
8. present system that would have to go to the Attorney General's
9. Office, it would not save any money. The county treasurers
10. in all the counties throughout Illinois would like to keep that
11. money in there in their specific counties instead of sending it
12. down to the State Treasury and we're still reviewing
13. this bill. The...we're awaiting the Attorney General's report
14. and this amendment is a bill that we had last year and we're still...
15. still awaiting the report and...oppose this amendment.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Senator Guidice.

18. SENATOR GUIDICE:

19. Thank you, Mr. President. Will the sponsor yield to a
20. question?

21. PRESIDING OFFICER: (SENATOR DONNEWALD)

22. Indicates he will.

23. SENATOR GUIDICE:

24. Senator Glass, in the inheritance tax problem now, are
25. you talking about estates also? It...this would also include
26. the state problems where there is an estate filed?

27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. Senator Glass.

29. SENATOR GLASS:

30. This just deals with the Illinois Inheritance Tax,
31. the...the method of collecting it. You know, now the inheritance
32. tax is filed with the Attorney General's Office and after he
33. has approved it, it...he then presents it to the court. So, it would

1. eliminate the necessity of going to court unless a taxpayer
2. wanted to appeal it. But it's an unnecessary step is the...
3. in my opinion and it would eliminate that step.

4. PRESIDING OFFICER: (SENATOR DONNEWALD)

5. Senator Guidice.

6. SENATOR GUIDICE:

7. If there's not an estate filed you wouldn't go to court in
8. the first instance anyway, would you...inheritance tax?

9. PRESIDING OFFICER: (SENATOR DONNEWALD)

10. Senator Glass.

11. SENATOR GLASS:

12. In any case, Senator, where an inheritance tax return
13. was due, it would have to be approved in the court.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Senator Bowers.

16. SENATOR BOWERS:

17. Thank you, Mr. President. I just want to rise briefly in
18. support of the amendment. We handle...we don't have a large
19. office in...in DuPage County, but we handle hundreds of inheritance
20. tax returns over a period of years. I have never once
21. had a court contest as far as inheritance tax proceeding is
22. concerned. The court action is totally superfluous. We have
23. had some disagreements with the Attorney General's Office.
24. Those have always been resolved as they generally are in
25. Federal estate tax or any other type of tax. This is the only
26. one you have any kind of a court proceeding. The court
27. proceeding is mandatory and it's totally superfluous.
28. We have retained in the bill the power to go to court if there is
29. a contest, but when there's no contest, there's no reason
30. to file this return in the court. Now, the courts are busy.
31. This would relieve the courts of a considerable amount of expense
32. and time. It would also relieve the cost as far as the
33. administration of the tax is concerned because you have
34. the court fees, the clerk collects the court fees and the other

1. fees that would be totally eliminated. As far as all these
2. appraisals is concerned the only place they take place is in
3. Cook County. The don't take place downstate and I don't
4. suggest that the results downstate are any more unfair than they
5. are in Cook County and I should also point out that Judge
6. Comerford has indicated that he supports this kind of a
7. program and I would urge a favorable vote on this amendment.

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. Senator Knuppel.

10. SENATOR KNUPPEL:

11. Well, I...I think the comment that brought me to
12. my feet was that the courts are busy. In downstate Illinois
13. the League of Women Voters in Quincy ran a check and they found
14. that the courtrooms were in use two hours and thirty-eight
15. minutes a day. Now, you may have a different situation in
16. Chicago, but I hear the Chicago boys saying they want to keep
17. this the way it is. But I'll tell you one thing, it 's a lot
18. easier to get these judges to do it downstate than it is
19. to do it by mail. It will just build patronage in the
20. Attorney General's Office...something they don't want to do
21. and I was there for a year, but most of all, don't tell
22. anybody that the courts are busy. That's...that's going to be
23. a very difficult statement to prove. They're just as busy
24. as they need to getting their fishing poles at 3:00 and
25. 3:30 in the afternoon or you know, clean and taking the garbage
26. out for their wife until 10:00 in the morning, but don't tell
27. us they're busy, not downstate.

28. PRESIDING OFFICER: (SENATOR DONNEWALD)

29. Senator Glass may close.

30. SENATOR GLASS:

31. To close the debate, Ladies and Gentlemen, I'm
32. talking about eliminating several million dollars of
33. cost of collecting the inheritance tax. The figures I just
34. quoted in case any of you missed them were that last year

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1. Illinois collected eighty-five million dollars in inheritance
2. tax. It cost us 4.1 million to do it. I'm talking about
3. amendments that could cut that cost by at least twenty-
4. seven percent and probably as much as fifty percent. Judge
5. Harry Comerford, the Cook County judge who handles inheritance
6. tax collections, is quoted in the Tribune series as saying
7. that he would be happy if they took us out of it. It is a
8. reform that is very much needed and I would urge an Aye vote
9. on the amendment.

10. PRESIDING OFFICER: (SENATOR DONNEWALD)

11. The question is shall Amendment No. 2 to Senate Bill
12. 784 be adopted. Those in favor vote Aye. Those opposed
13. Nay. The voting is open. Have all those voted who wish?
14. Take the record. On that question the Ayes are 23, the Nays
15. are 29, 1 Voting Present. Amendment No. 2 fails.

16. Are there further amendments? Senator Glass.

17. SENATOR GLASS:

18. I...I do have another amendment on the Desk, but it was
19. an amendment which amended the first amendment, therefore, I will
20. withdraw that, Mr. President.

21. PRESIDING OFFICER: (SENATOR DONNEWALD)

22. Are there further amendments? Senator Bowers.

23. SECRETARY:

24. No...

25. SENATOR BOWERS:

26. Mr. President, since the bill at the present time
27. does not do what I represented to the Body that it would do
28. I would ask that it be held on 2nd reading till I've had a
29. chance to converse with the other side of the aisle.

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. It will be held. Senator Maragos, Senate Bill 1419.
32. Senator Maragos.

33. SENATOR MARAGOS:

1. Mr. President and members of the Senate. I would like
2. to move Senate Bill 1419 to 3rd reading with the understanding
3. that I've had with Senator Graham and Senator Rhoads
4. that I will bring it back to 2nd reading tomorrow for further
5. amendments...to discuss them at that time because it is...the time
6. is...is fleeting for this week and therefore, I'd like to
7. move this to 3rd reading and have it read.

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. We'll have to read the bill first. Mr. Secretary.
10. SECRETARY:

11. Senate...Senate Bill 1419.

12. (Secretary reads title of bill)

13. 2nd reading of the bill. No committee amendments.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Are there amendments from the Floor? Senator Rhoads.

16. SENATOR RHOADS:

17. Just to be clear, Senator Maragos, we do have an...
18. we have amendments filed on the Secretary's Desk so you
19. will bring this back for purpose of amendment?

20. PRESIDING OFFICER: (SENATOR DONNEWALD)

21. He indicates he will. Are there further amendments?

22. SECRETARY:

23. No further amendments.

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. 3rd reading. Senate Bill 1429, Senator Demuzio.

26. Senate Bill 1454, Senator Berman. Senate Bill 1456,

27. Senator Buzbee. Senate Bill 1478, Senator Egan. Senate

28. Bill 14...1529, Senator Bruce. Senate Bill 1530, Senator

29. Bruce. Senate Bill 15...1535, Senator Weaver. Senate Bill

30. 1540, Senator Hickey. Read the bill, Mr. Secretary.

31. SECRETARY:

32. Senate Bill 1540.

33. (Secretary reads title of bill)

1. 2nd reading of the bill. No committee amendments.
2. Amendment No. 1 Floor Amendment offered by Senator Hickey.
3. PRESIDING OFFICER: (SENATOR DONNEWALD)
4. Senator Hickey.
5. SENATOR HICKEY:
6. Thank you, Mr. President. Although this is not a
7. committee amendment, it's an amendment to try to respond
8. to a suggestion which was made in committee. The bill allows
9. a township assessor if he sees he's not going to finish his
10. books by June 1st and would like assistance from the supervisor
11. of assessments to request it and then have the bill for the
12. supervisor's help paid by the town board. This amendment
13. says with the approval of the town board.
14. PRESIDING OFFICER: (SENATOR DONNEWALD)
15. Is there further discussion? Senator Rhoads.
16. SENATOR RHOADS:
17. Question of the sponsor of the amendment.
18. PRESIDING OFFICER: (SENATOR DONNEWALD)
19. Indicates she'll yield.
20. SENATOR RHOADS:
21. Senator Hickey, is this identical to a bill that you
22. had in this Chamber last year, a separate bill?
23. PRESIDING OFFICER: (SENATOR DONNEWALD)
24. Senator Hickey.
25. SENATOR HICKEY:
26. Yes, it is. It's identical to this one and another one
27. are...are the same but after those bills failed last year
28. enumerable times, we had instances when we talked about on this
29. Floor if we could only do something to help keep the schedule
30. for assessment procedures so the tax bills could get out on
31. time and this is another attempt to give the Body the opportunity
32. to do something about that which it stated many times knew
33. that it needed to be done.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)
2. Senator Rhoads.
3. SENATOR RHOADS:
4. Well, what happened to your bill? Did it
5. fail in the House, is that what happened?
6. PRESIDING OFFICER: (SENATOR DONNEWALD)
7. Senator Hickey.
8. SENATOR HICKEY:
9. It was defeated here.
10. PRESIDING OFFICER: (SENATOR DONNEWALD)
11. Is there further discussion? Senator Hickey may close.
12. SENATOR HICKEY:
13. I'll just ask for the amendment to be adopted, please.
14. PRESIDING OFFICER: (SENATOR DONNEWALD)
15. Question is shall Amendment No. 1 to Senate Bill 1540
16. be adopted. Those in favor indicate by saying Aye.
17. Those opposed. The Ayes have it. Amendment No. 1 is adopted.
18. Are there further amendments?
19. SECRETARY:
20. No further amendments.
21. PRESIDING OFFICER: (SENATOR DONNEWALD)
22. 3rd reading. 1541, Senator Hickey. Read the bill,
23. Mr. Secretary.
24. SECRETARY:
25. Senate Bill 1541.
26. (Secretary reads title of bill)
27. 2nd reading of the bill. No committee amendments.
28. Amendment No. 1 Floor Amendment offered by Senator Hickey.
29. PRESIDING OFFICER: (SENATOR DONNEWALD)
30. Senator Hickey.
31. SENATOR HICKEY:
32. Thank you, Mr. President. Here again this amendment
33. is put on the bill in response to suggestions from several
34. people. The bill now says that if an assessor does not

1. have his books in on time on June 1st, the supervisor of
2. assessments may, after being so directed by the county
3. board by ordinance, take the books, complete them and
4. send the bill to the...to the town board. What we've done
5. in order not to be quite so tough about this is to change
6. the June date to July 1st and that's what the
7. amendment does and I ask for its adoption.

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. Is there further discussion? Question is shall
10. Amendment No. 1 to Senate Bill 1541 be adopted. Those
11. in favor indicate by saying Aye. Those opposed. The
12. Ayes have it. Amendment No. 1 is adopted. Are there
13. further amendments?

14. SECRETARY:

15. No further amendments.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. 3rd reading. Senate Bill 1555, Senator Lane. Read the
18. bill, Mr. Secretary.

19. SECRETARY:

20. Senate Bill 1555.

21. (Secretary reads title of bill)

22. This bill had a request for a fiscal note which has been
23. answered. 2nd reading of the bill. No committee amendments.
24. Amendment No. 1 Floor Amendment offered by Senator Lane.

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. Senator Lane.

27. SENATOR LANE:

28. Thank you, Mr. President and members of the Senate.
29. Amendment No. 1 provides that an institution may not submit
30. a request for an advance payment for any term until the
31. last day for registration for that term. What the amendment
32. does is prevents an institution from jumping the gun and making
33. a request for the advance payment. I move for the adoption of

1. Amendment No. 1.

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. Is there further discussion? The question is shall
4. Amendment No. 1 to Senate Bill 1555 be adopted. Those in
5. favor indicate by saying Aye. Those opposed. The Ayes have
6. it. Amendment No. 1 is adopted. Are there further amendments?

7. SECRETARY:

8. Amendment No. 2 offered by Senators Regner, Carroll,
9. Sommer, and Buzbee.

10. PRESIDING OFFICER: (SENATOR DONNEWALD)

11. Senator Regner.

12. SENATOR REGNER:

13. Mr. President and members of the Senate. What this
14. amendment does, it brings the Scholarship Commission in under the
15. direction and authority of the Board of Higher Education.
16. It was...it's a duplicate of a bill that was introduced by
17. Senator Carroll and my...myself this year that didn't get out
18. of Rules but with the previous bad record of the State
19. Scholarship Commission, I think it would be a very fine idea
20. if they were incorporated under the authority of the
21. Board of Higher Education. I'd move for adoption of
22. Amendment No. 2.

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. Is there discussion? Senator Hickey.

25. SENATOR HICKEY:

26. Thank you, Mr. President. I'd like to ask the sponsor
27. a question.

28. PRESIDING OFFICER: (SENATOR DONNEWALD)

29. Indicates he'll yield.

30. SENATOR HICKEY:

31. Would this do away with the Scholarship Commission then so
32. that the administrative work of the commission was done
33. by the Board of Higher Education or just what would be the

1. responsibility of the Board of Higher Education?

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. Senator Regner.

4. SENATOR REGNER:

5. The Scholarship Commission would report to the Board
6. of Higher Education the same as the various institutions
7. do right now for approval of their budget and their various
8. actions.

9. PRESIDING OFFICER: (SENATOR DONNEWALD)

10. Senator Hickey.

11. SENATOR HICKEY:

12. Senator, would the Scholarship Commission then have
13. a voting member on the Board of Higher Education the same
14. as the other institutions do and the Community College Board?

15. PRESIDING OFFICER: (SENATOR DONNEWALD)

16. Senator Regner.

17. SENATOR REGNER:

18. Not...not under this amendment, Senator Hickey, but I would
19. be very happy to provide that and I know the Chairman of the
20. Board of Higher Education would also like that idea and in fact,
21. we discussed it early in the Session and he had...contemplating
22. having a bill put in at that time to do that.

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. Senator Hickey.

25. SENATOR HICKEY:

26. Then, Senator Regner, can we assume that the Board of
27. Higher Education as a policy matter has said that it would like
28. to assume the responsibility for the Scholarship Commission?

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. Senator Regner.

31. SENATOR REGNER:

32. That was an indication I had from the Board when I...
33. when they discussed the matter with me. Actually I didn't
34. bring the topic up, but they brought it up to me that they would

1. be delighted to have that responsibility.

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. Senator Hynes. Senator Rock.

4. SENATOR ROCK:

5. Thank you, Mr. President, Ladies and Gentlemen of the Senate.

6. I rise in opposition to Amendment No. 2. I think the amendment

7. is ill-considered and will make what is a good bill, kind of a

8. bad one. I think next Session we will debate the merits of the

9. Board of Higher Ed. I intend to introduce a bill to abolish

10. it altogether and I certainly don't think we ought to be giving

11. them more duties. They...they can't handle what they now have,

12. much less trying to handle the Scholarship Commission. I

13. would urge all the members on this side to vote No on Amendment

14. No. 2.

15. PRESIDING OFFICER: (SENATOR DONNEWALD)

16. Senator Walsh.

17. SENATOR WALSH:

18. Senator Regner...Senator Regner a question.

19. PRESIDING OFFICER: (SENATOR DONNEWALD)

20. Indicates he'll yield.

21. SENATOR WALSH:

22. I have heard from your remarks that the Board of Higher

23. Education favors this proposal.

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. Senator Regner.

26. SENATOR REGNER:

27. It was first brought up to me by members of the Board of

28. Higher Education. I...

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. Senator Walsh.

31. SENATOR WALSH:

32. So some individual members apparently favor it but the

33. ...there is no board policy, is that correct?

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Senator Regner.

3. SENATOR REGNER:

4. Not that I know of. I do not know of any time that they
5. took a definite position as a board policy.

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. Senator Walsh.

8. SENATOR WALSH:

9. Mr. President, members of the Senate, I too, oppose this
10. amendment. I...I think if we're going to take any substantive
11. action such as this, it should be by individual bill acted upon
12. in committee and acted upon on its merits rather than by
13. amendment such as is proposed by Senator Regner. I think you're
14. getting into a very dangerous area where the Board of Higher
15. Education may, in effect, be establishing policy for institutions
16. of higher education in the private sector. The...we all know
17. that the Illinois Scholarship Commission is virtually the life-
18. blood of the private higher education in this State and I don't
19. know that...that the Board of Higher Education should be taking
20. over in any way, shape or form any of the responsibilities
21. of the Illinois Scholarship Commission. It should remain
22. an independent commission guiding its own destiny rather than
23. answering to the Board of Higher Education. I might say,
24. Mr. President, that the...some years ago I introduced a bill
25. which was passed by both Houses of the General Assembly
26. which would have required that four legislators sit on the
27. Board of Higher Education. The Board of Higher Education at that
28. time was opposed to any outside influence and I'd be very
29. much surprised if they would favor someone from the Illinois
30. Scholarship Commission being on their board or if they would,
31. in fact, appreciate any of the duties which Senator Regner
32. has outlined. So, I oppose this amendment and urge its defeat.

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

1. Senator Hynes.

2. SENATOR HYNES:

3. Mr. President and members of the Senate. I, too, rise
4. in opposition to this amendment. I think that as Senator
5. Walsh pointed out, if a major change of this kind is going
6. to be made, it ought to be made in committee after deliberation
7. with a bill that is introduced for that purpose and then the
8. Body ought to debate the matter after having had an
9. opportunity and ample notice to consider it. I think it's
10. ill-advised on the merits, however. And so for both reasons
11. I think the amendment is an undesirable one and should not
12. be adopted. And it will, in fact, turn a good bill into one
13. will become highly controversial and...and the subject matter
14. of considerable debate. So, I would urge the Body to reject
15. this amendment.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Senator Shapiro.

18. SENATOR SHAPIRO:

19. Well, Mr. President and Ladies and Gentlemen of the Senate.
20. I think the amendment makes a bad bill just a little bit better.
21. And I think the...the amendment needs some clarification.
22. We're not abolishing the Scholarship Commission. All we're
23. saying is that the Scholarship Commission shall be under the
24. jurisdiction of the Board of Higher Education. Now, when the
25. Executive Branch makes the allocation of the funds for Higher
26. Education, that includes the Scholarship Commission, also. But
27. they have no mandate from any governing body to tailor
28. their budget to the available dollars that are allocated by
29. Board of Higher Education and the main thrust of the amendment
30. is that the Commission shall submit its proposed budget to the
31. Board of Higher Education as provided in the certain section, so on
32. and so forth. So, I think the amendment is good and that the
33. ...it should be adopted.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Senator Buzbee.

3. SENATOR BUZBEE:

4. Thank you, Mr. President. If...if you will notice...
5. the members of the Body would notice the...the four cosponsors
6. of this amendment are Senators Regner, Sommer, Carroll and
7. Buzbee, the Chairman or the Minority Spokesman of the two
8. Appropriation Committees. I think that Senator Shapiro
9. is absolutely right in that we ought to make them submit
10. their budget to the Board of Higher Education. After all,
11. the University of Illinois has to do that, Southern Illinois
12. University has to do that, the Board of Governors has to do that,
13. the Board of Regents has to do that and the Board of Community
14. Colleges has to do that. So why should the State Scholarship
15. Commission be any different? Why should they not be under
16. the cognizance of the Board of Higher Education? I...I
17. take...take umbrage or I...I...I disagree, I should say, with
18. Senator Walsh's point. This, as far as I'm concerned, is
19. absolutely not aimed at the private colleges. Who...he is
20. absolutely right in that most of the Scholarship Commission
21. money goes to the private colleges. We just want to make the
22. staff of that Scholarship Commission responsive to and responsible
23. to the Board of Higher Education and I think it would make our
24. jobs a whole lot easier as far as appropriating dollars are concerned.
25. So, I think it's a good amendment and I plan to support it.

26. PRESIDING OFFICER: (SENATOR DONNEWALD)

27. Senator Rock.

28. SENATOR ROCK:

29. Thank you, Mr. President. Seldom do I rise a second time
30. but I just had to dissipate, if you will, the apparently logical
31. argument by Senator Shapiro and would ask when was the last
32. time in his memory that we have followed the recommendation of
33. the Board of Higher Education? It has not been done in my

1. tenure in this Body. The Board comes in every year with
2. all kinds of recommendations and we, every year, reject them
3. out of hand without even a backward glance and so to
4. subject this agency to that kind of futile recommendation
5. process, it seems to me is untoward. I would urge the defeat
6. of Amendment No. 2.

7. PRESIDING OFFICER: (SENATOR DONNEWALD)

8. Senator Regner may close.

9. SENATOR REGNER:

10. You know, we...we're really taking the Board of Higher
11. Education's ultimate recommendation this year because they are
12. the ones that came in to us in Appropriations and said yes,
13. we will reduce it to the Governor's allocation. We just wanted
14. the schools to think that we were going to put the money in
15. in the first attempt that they originally asked for just to
16. prove a point that this is what we want. So, we are doing what
17. they...what they recommended this year. And just as a little
18. addendum, what this is...I have right now is a listing of
19. seventeen thousand defaults on scholarship loans and that's
20. what we have under the current administration...the Scholarship
21. Commission and they certainly do need a watchdog and that's
22. why we're putting this amendment on to get them under the
23. Board of Higher Education so that there is a watchdog of this
24. Commission who has done a lousy job over the last several years.
25. And anyone who wants to look and see, as Pate Philip said, he'd
26. like to see if any of his constituents are on it, you can come
27. over and take a look at the report.

28. PRESIDING OFFICER: (SENATOR DONNEWALD)

29. Question is shall Amendment No. 2 be adopted to Senate
30. Bill 1555. Those in favor indicate by saying Aye. Those
31. opposed. A roll call has been requested. The question is shall
32. Amendment No. 2 be adopted. Those in favor vote Aye. Those
33. opposed vote Nay. The voting is open. Have all those voted who

1. wish? Have all those voted who wish? Take the record.
2. On that question the Ayes are 30, the Nays are 27. Amendment
3. No. 2 to Senate Bill 1555 is adopted. Senator Rock.
4. SENATOR ROCK:
5. Request a verification of the affirmative vote.
6. PRESIDING OFFICER: (SENATOR DONNEWALD)
7. There is a request...for the verification of the affirmative
8. vote. The members will please be in their seats. The
9. Secretary will call the affirmative vote.
10. SECRETARY:
11. The following voted in the affirmative: Berning, Bloom,
12. Bruce, Buzbee, Carroll, Coffey, Demuzio, Egan, Glass, Graham,
13. Grotberg, Guidice, Joyce, McMillan, Moore, Netsch, Nimrod,
14. Ozinga, Philip, Regner, Roe, Rupp...Mr. President, I'm not
15. sure, it looks like that...our system has jumped.
16. PRESIDING OFFICER: (SENATOR DONNEWALD)
17. Well. Just a moment. Senator Buzbee.
18. SENATOR BUZBEE:
19. Point of order, Mr. President. Thank you.
20. PRESIDING OFFICER: (SENATOR DONNEWALD)
21. State your point.
22. SENATOR BUZBEE:
23. If, in fact, the million dollar system has once again
24. gone haywire, would it not, in fact, be sufficient evidence
25. to be for the Secretary to read off of the board and to take
26. ...and to take that roll call on the board and verify the roll call
27. as listed up there rather than waiting for the electronic
28. printout?
29. PRESIDING OFFICER: (SENATOR DONNEWALD)
30. The...the vote has...I'm advised by the Secretary that the
31. correct voting has been established so the Secretary will continue.
32. Senator Hall...Senator Kenneth Hall, for what purpose do you
33. arise?
34. SENATOR KENNETH HALL:

1. Well, I see the hour of five has arrived. Are...are...are
2. we going to adjourn at five?

3. PRESIDING OFFICER: (SENATOR DONNEWALD)

4. We will if we can get through with the verification of the
5. roll.

6. SENATOR KENNETH HALL:

7. Well, I move that we adjourn.

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. That motion is out of order, Senator. Secretary will continue
10. verification. Senator Egan, for what...we are on the process
11. of verification. Senator Egan, for what purpose do you...

12. SENATOR EGAN:

13. Well, let him...let him start again, will you, Mr. President,
14. because he indicated that I was a voter in the affirmative and
15. I am not. I am in the negative and I...

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. I think that's only...I think that's only fair. The
18. Secretary will begin the verification from beginning on the
19. positive vote.

20. SECRETARY:

21. The following voted in the...in the affirmative:
22. Berning, Bloom, Bruce, Buzbee, Carroll, Coffey, Demuzio,
23. Glass, Graham, Grotberg, Guidice, Harber Hall, Knuppel,
24. McMillan, Mitchler, Moore, Netsch, Nimrod, Ozinga,
25. Philip, Regner, Roe, Rupp, Sangmeister, Schaffer, Shapiro,
26. Sommer, Soper, Vadalabene, Weaver.

27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. Senator Rock.

29. SENATOR ROCK:

30. I was just going to suggest that Senator Guidice might
31. step out in the hallway. Senator Roe on the Floor?

32. PRESIDING OFFICER: (SENATOR DONNEWALD)

33. Senator Roe on the Floor? Senator Roe is on the Floor but

1. not in his proper chair. The roll has been verified.
2. Amendment No. 2 to Senate Bill 5...1555 is adopted. Are there
3. further amendments?
4. SECRETARY:
5. No further amendments.
6. PRESIDING OFFICER: (SENATOR DONNEWALD)
7. 3rd reading. Senator Hynes, the hour is five and the
8. Senate would stand adjourned until tomorrow at what time?
9. 10:00 clock tomorrow morning. Senator Hynes moves that...
10. Senator Hynes.
11. SENATOR HYNES:
12. Before we depart, Mr. President, we will come in at
13. 10:00 tomorrow morning. We will again break for a brief lunch period
14. tomorrow and there will be a Rules Committee meeting
15. during that luncheon break, I'm happy to inform you, and
16. move we stand adjourned...
17. PRESIDING OFFICER: (SENATOR DONNEWALD)
18. The Senate stands adjourned until 10:00 o'clock tomorrow
19. morning.
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